

TABLE OF CONTENTS

June 21, 2013 Volume 37, Issue 25

PROPOSED RULES

CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF
TRANSPORTATION
Chief Procurement Officer for the Department of
Transportation – Contract Procurement
44 Ill. Adm. Code 6.....8051

COMMERCE COMMISSION, ILLINOIS
Guidelines for Carbon Dioxide Transportation and Sequestration
83 Ill. Adm. Code 302.....8076

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF
Interior Design Profession Title Act
68 Ill. Adm. Code 1255.....8089
The Illinois Landscape Architecture Act of 1989
68 Ill. Adm. Code 1275.....8103

SECRETARY OF STATE
Uniform Commercial Code
14 Ill. Adm. Code 180.....8119

ADOPTED RULES

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES
Chief Procurement Officer for General Services: Standard
Procurement
44 Ill. Adm. Code 1.....8123

EDUCATION, STATE BOARD OF
Payments to Certain Facilities under Section 14-7.05 of the School
Code
23 Ill. Adm. Code 405.....8134
Contested Cases and Other Formal Hearings
23 Ill. Adm. Code 475.....8140
Class Size Reduction Grants
23 Ill. Adm. Code 565.....8145

**NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES**

REVENUE, DEPARTMENT OF
Retailers' Occupation Tax
86 Ill. Adm. Code 130.....8150
Service Occupation Tax
86 Ill. Adm. Code 140.....8151

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received.....8152

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

Special Session Proclamation	
2013-210.....	8154
Amateur Radio Week	
2013-211.....	8154
General Aviation Appreciation Month	
2013-212.....	8155
Quebec National Day	
2013-213.....	8156
Peace Days	
2013-214.....	8157
Americans With Disabilities Act Day	
2013-215.....	8158
Memorial Day	
2013-216.....	8159
Illinois Women's Suffrage Centennial Day	
2013-217.....	8160
Major General Dennis Celletti Day	
2013-218.....	8161
National Military Appreciation Month	
2013-219.....	8163
National Physical Therapy Month	
2013-220.....	8164
Cryoglobulinemia Awareness Month and Day	
2013-221.....	8164
Lakes Appreciation Month	
2013-222.....	8165
Breastfeeding Month	
2013-223.....	8166
Merri Dee Day	
2013-224.....	8167
CDKL5 Awareness Day	
2013-225.....	8168
CPR and AED Awareness Week	
2013-226.....	8169

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1st through **Monday, July 1st, 2013.**

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Chief Procurement Officer for the Department of Transportation – Contract Procurement
- 2) Code Citation: 44 Ill. Adm. Code 6
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
6.900	New
6.905	New
6.910	New
6.915	New
6.920	New
6.925	New
6.930	New
6.935	New
6.940	New
6.945	New
6.950	New
6.955	New
6.960	New
6.965	New
6.970	New
6.975	New
- 4) Statutory Authority: Implementing the Illinois Procurement Code [30 ILCS 500], Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600], and the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25], Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)], Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101], and Section 15(a) of the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130/15(a)]
- 5) A Complete Description of the Subjects and Issues Involved: The Chief Procurement Officer (CPO) for the Department of Transportation and the Department of Transportation (Department) are amending this Part for consistency with the Public Private Agreements for the Illiana Expressway Act (Act) [605 ILCS 130]. The Act prescribes that the Department on behalf of the State may, pursuant to a competitive request for proposals process governed by the Illinois Procurement Code (Code) and the

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

rules adopted under that Code and the Act, enter into one or more public private agreements with one or more contractors to develop, finance, construct, manage, or operate the Illiana Expressway on behalf of the State. (See Section 15(a) of the Act.) Therefore, consistent with the Act, the Department is prescribing procedures to be used for Illiana Expressway public private agreements procured by the CPO and the Department through a competitive request for proposals process.

Following are summaries of the significant changes being made to the Part.

- A new Subpart, "Subpart L: ILLIANA EXPRESSWAY PROCUREMENT", is being added to the Part with Sections 6.900 – 6.975 setting forth program provisions.
- A new Section 6.900, Purpose and Objective, is being added to provide a general overview of program provisions, including that program coordination is necessary between the CPO, the Department, and the State of Indiana in efforts to build a new interstate highway connecting Interstate Highway 55 in northeastern Illinois to Interstate Highway 65 in northwestern Indiana.
- A new Section 6.905, Definitions, provides a list of terms used throughout the new Subpart L, including definitions of "Offeror", "Public Private Agreement", "Qualifications", "Request for Proposals", "Request for Qualifications", "Revenue Sharing" and "Short Listing".
- A new Section 6.910, General Conditions for Use, prescribes that the procedures in Subpart L will be used for Illiana Expressway public private agreements procured by the Department with oversight by the CPO.
- A new Section 6.915, Prequalification and Qualifications, prescribes that the Department may use existing prequalification procedures in lieu of, or as a supplement to, the qualifications procedures that are set forth in the Act.
- A new Section 6.920, Information Exchanges, prescribes that information exchanges may occur. The methods of information exchanges are listed in this Section. Also, provisions are being added to address a situation when specific information about a proposed acquisition is disclosed to one or more potential offerors – that specific information will be made available to all potential offerors in order to avoid creating an unfair competitive advantage. Additionally, this Section prescribes that, upon a request by a potential offeror, information provided to a particular potential offeror will not be

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

disclosed if doing so would reasonably reveal the potential offeror's business strategy because it involves a trade secret or other proprietary information that would cause competitive harm to the offeror. This information may be subject to disclosure under federal or State freedom of information laws.

- A new Section 6.925, Competitive Request for Proposals Process, prescribes the two-phase selection process used to solicit, through a Request for Qualifications (RFQ) and a Request for Proposals (RFP), statements of qualifications and proposals from offerors. The first phase of the process consists of short listing qualified persons based on an RFQ. The second phase consists of the receipt and evaluation of technical proposals and/or price proposals in response to an RFP. Other provisions in this Section include: the publication of public notices of an RFQ and RFP in the Department's Transportation Procurement Bulletin, a listing of criteria taken into account for the competitive RFP, that oral presentations may substitute for, or supplement, written information at any time during the procurement process, and, that the Department may elect to pay a stipend to unsuccessful offerors who have submitted responsive proposals.
- A new Section 6.930, Organizational Conflict of Interest Requirements, prescribes that all conflict provisions contained in the Code will be included in the RFQ or RFP documents, that specific procedures applicable to selection team members will be made available, including all applicable provisions of the State Officials and Employees Ethics Act [5 ILCS 430] and other potential conflict of interest provisions affecting consultants and subconsultants, and subject to provisions of the Code.
- A new Section 6.935, Proposal Evaluation, prescribes, among other things, that proposals will be evaluated and any award will be made in accordance with applicable provisions of 23 CFR 636. Proposals will be evaluated solely on the factors and criteria specified in the RFP. Proposals will be reviewed by the Department to determine if the proposal is responsive and if the offeror is responsible. The criteria used to determine a responsive proposal and a responsible offeror are prescribed in this Section, as are the Department's rights under this Subpart.
- A new Section 6.940, Discussions with Offerors, prescribes the process that the Department will use when it invites the offeror to discuss questions about any facet of the RFP or proposal.

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- A new Section 6.945, Clarifications, prescribes that clarifications may be permitted after the initial evaluation of proposals or potentially the proposal will be declared nonresponsive.
- A new Section 6.950, Selection and Negotiations, prescribes that the Department will pick two finalists for review by the Commission on Government Forecasting and Accountability and the Procurement Policy Board. Of the two finalists, one is an alternate. The Department may enter into negotiations with one offeror that may or may not result in a public private agreement. Provisions are included in the event that negotiations are unsuccessful. The Department will not select an offeror as the contractor until it has received and considered the findings of the Commission on Government Forecasting and Accountability and the Procurement Policy Board's reports.
- A new Section 6.955, Interim Agreements, prescribes that *prior to or in connection with the negotiation of the public private agreement, the Department may enter into one or more interim agreements with the selected offeror or other vendors if the Department determines in writing that it is in the public interest to do so.* (See Section 30 of the Act.) This Section also includes provisions from Section 30(b) and (c) of the Act.
- A new Section 6.960, Award, prescribes, among other things, that *the Department* will hold a public hearing or hearings, before awarding a public private agreement to an offeror, and publication of a notice of the hearing or hearings are also set forth in this Section. Finally, the Department will make a determination as to whether the offeror should be designated as the contractor for the Illiana Expressway project and that decision will be submitted to the Governor and the Governor's Office of Management and Budget. The Governor may accept or reject the Department's determination. (See Section 20(h) of the Act.)
- A new Section 6.965, Execution of Contract and Notice to Proceed, prescribes, among other things, that the Department will publish the full text of the public private agreement on its website. (See Section 65 of the Act.)
- A new Section 6.970, Subsequent Contracts, prescribes, among other things, that the Department may award contracts for goods, services, or equipment not provided for in the public private agreement. (See Section 50 of the Act.) This Section also includes provisions with respect to the contractor's authority to negotiate and execute

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

subsequent subcontracts with third parties that will be included in the public private agreement.

- A new Section 6.975, Disclosure of Proposal Contents, prescribes, among other things, that, upon final execution of the public private agreement and each financing transaction required to provide funding, all records may be disclosed relating to the contents of all proposals, except the parts of the proposals that may be treated as confidential.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
 - 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
 - 8) Does this rulemaking contain an automatic repeal date? No
 - 9) Does this rulemaking contain incorporations by reference? No
 - 10) Are there any other proposed rulemakings pending on this Part? No
 - 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
 - 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

Mr. Bill Grunloh, Chief Procurement Officer
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 200
Springfield, Illinois 62764

217/558-5434

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Minority- and female-owned businesses doing business with or seeking to do business with the Department may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in the Department's last two Regulatory Agendas because it was not known at that time that the project would be moving forward.

The full text of the Proposed Amendments begins on the next page:

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER III: CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

PART 6
CHIEF PROCUREMENT OFFICER FOR
THE DEPARTMENT OF TRANSPORTATION
– CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section

- 6.10 Authority
- 6.20 Policy and Application
- 6.30 Purpose and Policy Interpretations
- 6.40 Definitions

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section

- 6.50 Transportation Procurement Bulletin
- 6.55 Required Notices
- 6.60 Subscription Fees
- 6.70 Direct Solicitation

SUBPART C: METHODS OF PROCUREMENT

Section

- 6.80 Competitive Sealed Bids
- 6.90 Competitive Sealed Proposals
- 6.100 Small Contracts
- 6.110 Sole Source Contracts
- 6.120 Emergency Contracts
- 6.125 Small Business Set-Asides

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Section

- 6.130 General Conditions for Use
- 6.140 Invitations for Bids
- 6.150 Amendments to Invitations for Bids
- 6.160 Preparation of Bids
- 6.170 Delivery of Bids
- 6.180 Change or Withdrawal of Bids
- 6.190 Combination Bids for Construction Contracts
- 6.200 Pre-Bid Conferences
- 6.210 Public Opening of Bids
- 6.220 Consideration of Bids
- 6.230 Mistakes
- 6.240 Award After Bid Evaluation
- 6.250 Split and Multiple Awards
- 6.260 Time for Award
- 6.270 Delay in Award
- 6.275 Notice of Award
- 6.280 Binding Contract
- 6.290 Requirement of Contract Bond for Construction Contracts
- 6.300 Execution of Contract
- 6.310 Publication of Contracts (Repealed)

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section

- 6.320 General Conditions for Use
- 6.330 Request for Proposals
- 6.340 Delivery of Proposals
- 6.350 Evaluation of Proposals
- 6.360 Discussions with Responsible Offerors
- 6.370 Award
- 6.380 Execution of Contracts

SUBPART F: CONTRACT ADMINISTRATION

Section

- 6.385 Expenditure in Excess of Contract Price

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

6.388 Multi-year Contracts

SUBPART G: PROTESTS

Section

6.390 Application
6.400 Interested Party
6.410 Subject of the Protest
6.420 Filing of a Protest
6.430 Stay of Action during Protest
6.440 Decision

SUBPART H: SPECIFICATIONS

Section

6.450 Standard Specifications
6.460 Contract Documents
6.470 Specification Standards

SUBPART I: SUSPENSION OF CONTRACTORS OR SUBCONTRACTORS

Section

6.480 Purpose
6.490 Definitions
6.500 Policy
6.510 General
6.520 Causes for Suspension or Debarment
6.530 Interim Suspension
6.540 Voluntary Exclusion
6.550 Term of Suspension
6.560 Coverage
6.570 Other Agency Suspensions
6.580 Responsibility
6.590 Continuation of Executory Contracts
6.600 Exception Provision
6.610 Notice of Suspension
6.620 Response and Request for Hearing
6.630 Hearing Date and Hearing Officer

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 6.640 Answer
- 6.650 Form of Documents
- 6.660 Computation of Time
- 6.670 Appearances
- 6.680 Hearing Procedures
- 6.690 Determination

SUBPART J: MISCELLANEOUS

- Section
- 6.700 Property Rights
- 6.710 Federal Requirements
- 6.720 Intergovernmental Agreements
- 6.730 No Waiver of Sovereign Immunity
- 6.740 Written Determinations
- 6.750 Severability

SUBPART K: TARGET MARKET PROGRAM

- Section
- 6.800 Purpose and Objective
- 6.810 Definitions
- 6.820 Implementation Procedures
- 6.830 Target Market Remedial Actions
- 6.840 Participation Eligibility
- 6.850 Limitations Applicable to Participation
- 6.860 Severability

SUBPART L: ILLIANA EXPRESSWAY PROCUREMENT

- Section
- 6.900 Purpose and Objective
- 6.905 Definitions
- 6.910 General Conditions for Use
- 6.915 Prequalification and Qualifications
- 6.920 Information Exchanges
- 6.925 Competitive Request for Proposals Process
- 6.930 Organizational Conflict of Interest Requirements

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

<u>6.935</u>	<u>Proposal Evaluation</u>
<u>6.940</u>	<u>Discussions with Offerors</u>
<u>6.945</u>	<u>Clarifications</u>
<u>6.950</u>	<u>Selection and Negotiations</u>
<u>6.955</u>	<u>Interim Agreements</u>
<u>6.960</u>	<u>Award</u>
<u>6.965</u>	<u>Execution of Contract and Notice to Proceed</u>
<u>6.970</u>	<u>Subsequent Contracts</u>
<u>6.975</u>	<u>Disclosure of Proposal Contents</u>

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500], Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600], and the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25], Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)], Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101], and Section 15(a) of the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130/15(a)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21060, effective November 25, 1998; emergency amendment at 29 Ill. Reg. 7832, effective May 12, 2005, for a maximum of 150 days; emergency expired October 8, 2005; amended at 29 Ill. Reg. 18147, effective October 19, 2005; recodified, pursuant to PA 96-795, from Department of Transportation, 44 Ill. Adm. Code 660, to Chief Procurement Officer for Department of Transportation, 44 Ill. Adm. Code 6, at 35 Ill. Reg. 10158; amended at 35 Ill. Reg. 16518, effective September 30, 2011; amended at 36 Ill. Reg. 230, effective December 21, 2011; expedited correction at 36 Ill. Reg. 14883, effective December 21, 2011; amended at 37 Ill. Reg. 5764, effective April 19, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART L: ILLIANA EXPRESSWAY PROCUREMENTSection 6.900 Purpose and Objective

- a) Purpose
The purpose of this Part is to establish policies and procedures to allow the Department to fulfill its obligations to enter into public private agreements between the State of Illinois and one or more private entities to develop, finance,

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

construct, manage, and operate any or all of the Illiana Expressway. (Section 5(c) of the Act)

- b) Objective
Coordination is required among the CPO, the Department and the State of Indiana in efforts to build a new interstate highway connecting Interstate Highway 55 in northeastern Illinois to Interstate Highway 65 in northwestern Indiana.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.905 Definitions

As used throughout this Subpart, terms defined in the Illinois Procurement Code and the Act have the same meaning as in the Code or the Act and as further defined in this Subpart. Each term in this Subpart has the meaning set forth as follows unless its use clearly requires a different meaning.

"Act" means the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130].

"Agreement" means a public private agreement. (Section 10 of the Act)

"Best Value Selection" means any selection process in which proposals contain both price and qualitative components and award is based upon a combination of price and qualitative considerations. (See 23 CFR 636.103.)

"COGFA" means the Commission on Government Forecasting and Accountability.

"Chief Procurement Officer" or "CPO" means the person appointed under Section 1-15.15(2) of the Code.

"Clarifications" means a written or oral exchange of information that takes place after the receipt of proposals. The purpose of a clarification is to address minor, non-material or clerical revisions in a proposal. (See 23 CFR 636.103.)

"Code" means the Illinois Procurement Code [30 ILCS 500].

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

"Contractor" means a person that has been selected to enter or has entered into a public private agreement with the Department on behalf of the State for the development, financing, construction, management, and any or all of the operation of the Illiana Expressway pursuant to the Act. (Section 10 of the Act)

"Department" means the Illinois Department of Transportation. (Section 10 of the Act)

"Discussions" means written or oral exchanges that take place with the short listed offerors. (See 23 CFR 636.103.)

"Final Proposal" means the technical proposal and cost proposal that will be the basis for award.

"Illiana Expressway" means the fully access-controlled interstate highway connecting Interstate Highway 55 in northeastern Illinois to Interstate Highway 65 in northwestern Indiana, which may be operated as a toll or non-toll facility. (Section 10 of the Act)

"Interim Agreements" means an agreement entered into with the contractor prior to or in connection with the negotiation of the public private agreement. (Section 30 of the Act)

"Manage" means conducting, supervising or maintaining services under the public private agreement.

"Offeror" means a person that responds to a request for proposals under this Subpart and as part of a competitive request for proposals process. The term offeror may include potential offerors identified as short listed persons from the qualifications process. (Section 10 of the Act)

"Operation" means performance of management activities for the Illiana Expressway, including, but not limited to, user fees, maintenance and traffic control.

"Person" means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, or any other legal entity, group, or combination thereof. (Section 10 of the Act)

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

"PPB" means the Procurement Policy Board created by Section 5-5 of the Code.

"Prequalification" means the rating process established by the Department that requires all prospective bidders or offerors to be permitted to submit bids or offers in accordance with 44 Ill. Adm. Code 650 or Chapter 8 of the Department's Bureau of Design and Environment Manual (manual). The manual is available on the Department's website at <http://www.dot.il.gov/desenv/bdmanual.html>.

"Proposal" means a response to a Request for Proposals and includes draft and final proposals if provided for in the RFP.

"Public Private Agreement" means an agreement or contract by the Department on behalf of the State and all schedules, exhibits, and attachments thereto, entered into pursuant to a competitive Request for Proposals process governed by this Subpart for the development, financing, construction, management, and any or all of the operation of the Illiana Expressway. (See Section 10 of the Act.)

"Qualifications" means whether a person has the necessary prerequisites to compete for work contemplated for the Illiana Expressway, including, but not limited to, qualifications related to experience and knowledge of public private partnerships.

"Request for Proposals" or "RFP" means the process by which the Department requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals. (See 30 ILCS 500/1-15.75.)

"Request for Qualifications" or "RFQ" means the document issued by the Department in Phase I of a two-phased selection process. An RFQ typically describes the project in enough detail to allow potential offerors to determine if they wish to compete and, also, forms the basis for requesting qualifications submissions from which the most highly qualified offerors can be identified. (See 23 CFR 636.103.)

"Responsible" means the capability, integrity and reliability of an offeror or contractor that, in all respects, will assure good faith performance to undertake and complete fully the requirements of a contract.

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

"Responsive" means, in the context of procurement procedures, compliance, in all meaningful, material respects, with the RFP.

"Revenue Sharing" means all revenues divided between the Department and the contractor, including, but not limited to, income; user fees; earnings; interest; lease payments; allocations; moneys from the federal government, the State, and units of local government, including but not limited to federal, State, and local appropriations, grants, loans, lines of credit, and credit guarantees; bond proceeds; equity of credit and credit guarantees; equity investments; service payments; or other receipts arising out of or in connection with the financing, development, construction, management, or operation of the Illiana Expressway. (Section 10 of the Act)

"Short Listing" means the narrowing of the field of offerors through the selection of the most highly qualified offerors who have responded to an RFQ. (See 23 CFR 636.103.)

"Solicitation" means a public notification of the Department's need for information, qualifications or proposals related to identified services. (See 23 CFR 636.103.)

"State" means the State of Illinois. (Section 10 of the Act)

"Statement of Qualifications" means a document submitted in response to an RFQ.

"Stipend" means a monetary amount that can be paid to unsuccessful offerors. (See 23 CFR 636.103.)

"Secretary" means the Secretary of the Illinois Department of Transportation. (Section 10 of the Act)

"Technical Proposal" means that portion of the proposal that contains design solutions and other qualitative factors that are provided in response to the RFP.

"Two-Phase Selection Process" means a procurement process in which Phase I consists of short listing (based on qualifications submitted in response to an RFQ)

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

and Phase II consists of the submission of price and technical proposals in response to an RFP. (See 23 CFR 636.103.)

"User Fees" means the tolls, rates, fees, or other charges imposed by the State or the contractor for use of all or part of the Illiana Expressway. (Section 10 of the Act)

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.910 General Conditions for Use

The procedures set forth in this Subpart L will be used for Illiana Expressway public private agreements procured by the Department through a competitive request for proposals process. (See Section 20(a) of the Act.)

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.915 Prequalification and Qualifications

The Department may use its existing prequalification procedures in lieu of, or as a supplement to, the qualifications procedures in the Act (see Sections 17 and 20 of the Act), including the issuance of an RFQ.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.920 Information Exchanges

When initiated by the Department, the Department, with the approval of the CPO and in accordance with the Code, may have exchanges with industry prior to the receipt of proposals in order to obtain information.

- a) Exchanges include, but are not limited to, the following:
- 1) Industry or small business conferences;
 - 2) Public hearings;
 - 3) Market research;

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 4) One-on-one meetings with potential offerors that will include the CPO or the CPO's designee;
 - 5) RFPs;
 - 6) Presolicitation or proposal conferences; and
 - 7) Site visits. (See 23 CFR 636.115(c).)
- b) When specific information is necessary for the preparation of a proposal and that specific information is disclosed to one or more potential offerors, that specific information will be made available to all potential offerors as soon as practicable, but no later than the next general release of information, in order to avoid creating an unfair competitive advantage. (See 23 CFR 636.115(e).)
- c) Upon request by a potential offeror, and as approved by the CPO, information provided to a potential offeror in response to that potential offeror's request will not be disclosed if doing so would reasonably reveal the potential offeror's confidential business strategy because it involves a trade secret or concerns commercial or financial information that is proprietary, privileged or confidential and would cause competitive harm to the offeror. This information may be subject to disclosure under federal law (see 23 CFR 636.115(e) and subpart D) or the Illinois Freedom of Information Act [5 ILCS 140].

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.925 Competitive Request for Proposals Process

- a) The competitive request for proposals process will, at a minimum, solicit statements of qualifications and proposals from offerors (Section 20(b) of the Act) under the Illinois Freedom of Information Act as part of a two-phase selection process and solicited through an RFQ and RFP.
- 1) The first phase consists of the receipt and evaluation of qualifications in response to an RFQ, resulting in a short list of the most highly qualified persons.

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 2) The second phase consists of the receipt and evaluation of technical proposals and financial proposals in response to an RFP.
- 3) Offerors may be permitted to submit alternate technical concepts in their pre-proposals as long as these alternate technical concepts do not conflict with criteria agreed upon in the environmental decision making process and acceptance of the alternate technical concept is in the State's best interest. Alternate technical concept proposals may supplement, but not substitute for, base proposals that respond to the RFP requirements. (See 23 CFR 636.209.)
- b) Public notice of an RFQ will be published in the Transportation Procurement Bulletin for at least 30 days before the date set in the invitation for the submittal of statements of qualifications. (See Section 17 of the Act.)
- c) Public notice of an RFP will be published in the Transportation Procurement Bulletin for at least 21 days before the date set in the invitation for the opening of proposals. (See 23 CFR 635.112.)
- d) The competitive request for proposals will take into account, but not be limited to, the following criteria:
 - 1) The offeror's plans for the Illiana Expressway project;
 - 2) The offeror's current and past business practices;
 - 3) The offeror's poor or inadequate past performance in developing, financing, constructing, managing, or operating highways or other public assets;
 - 4) The offeror's plans to utilize small businesses, including the offeror's ability to meet, and past performance in meeting or exhausting, good faith efforts to meet the utilization goals, or plans to comply with utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/6(d)] or federal law or regulations that establish standards and procedures for the utilization of minority, disadvantaged, and female-owned businesses;

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 5) The offeror's ability to Plan for and to comply with, and past performance in complying with, Section 2-105 of the Illinois Human Rights Act [775 ILCS 5]. (Section 20 of the Act)
- e) The Department will not include terms in the RFQ or RFP that provide an advantage, whether directly or indirectly, to any contractor presently providing goods, services, or equipment to the Department. (Section 20(e) of the Act)
- f) The RFP may be revised prior to the receipt of proposals.
- g) Oral presentations may supplement written information at the invitation of the Department at any time during the procurement process, including, but not limited to, one-on-one meetings with the Department and oral presentations of proposals. If oral presentations will be used, the time and date, format, and other details will be included in the solicitation.
- h) The Department may elect to pay a stipend to unsuccessful offerors who have submitted responsive proposals.
- 1) This decision will be made in accordance with 23 CFR 636.112 and 636.113 and may depend on eligibility for federal aid participation.
- 2) If stipends are used, the RFP will describe the process for distributing the stipend to qualifying offerors. Acceptance of the stipend is not mandatory.
- i) A procurement protest process, specific to RFPs under this Subpart, may be included in the RFP.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.930 Organizational Conflict of Interest Requirements

- a) All conflict provisions contained in the Code will be included in the RFQ or RFP documents, including, but not limited to, Code Section 50-35 addressing financial disclosures and potential conflicts of interest.
- b) The Department will make available specific procedures applicable to proposal

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

and selection team members. These procedures will include all applicable provisions of the State Officials and Employees Ethics Act [5 ILCS 430].

c) Notwithstanding disclosure requirements under the Code, the Department will address the following situation, as appropriate:

1) Consultants or subconsultants who assist the Department in the preparation of the RFP document under contract will be prohibited from submitting a proposal and from participating on a team submitting a proposal in response to the RFP. However, the Department, with the CPO's concurrence, may determine there is not an organizational conflict of interest for a consultant or subconsultant when:

A) The role of the consultant or subconsultant (subcontractor) was limited to the provision of preliminary design, reports or similar "low-level" documents that will be incorporated into the RFP and did not include assistance in the development of instructions to offerors or evaluation criteria; or

B) All documents and reports delivered to the agency by the consultant or subconsultant are made available to all offerors.

2) This practice may be reviewed pursuant to the provisions of the Code. (See 23 CFR 636.116.)

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.935 Proposal Evaluation

a) Proposals will be evaluated and any award will be made in accordance with applicable federal requirements for the competitive RFP process described in this Subpart L. (See 23 CFR 636.)

b) Proposals will be evaluated solely on the factors and criteria specified in the RFP.

c) Proposals will be reviewed by the Department and may lead to discussions with offerors pursuant to Section 6.940.

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- d) Each proposal will be reviewed by the Department to determine if the proposal is responsive to the submission requirements outlined in the RFP and to determine if the offeror is responsible.
- 1) A responsive proposal is one that follows the requirements of the RFP, includes all documentation, is submitted in the format outlined in the RFP, is timely submitted, and has been signed by representatives of the offeror authorized to bind the offeror. Failure to comply with these requirements may result in the proposal being deemed nonresponsive.
 - 2) A responsible offeror is one that demonstrates the capability to satisfy the commercial, ethical and technical requirements set forth in the RFP. An offeror's failure to demonstrate that it is responsible may result in the proposal being rejected.
- e) The Department reserves the right to request that an offeror provide additional information or clarify information (see Section 6.945). The Department's determination regarding the responsiveness of a proposal and the responsibility of an offeror will be final.
- f) In addition to any other rights under this Subpart L, the Department may:
- 1) Withdraw an RFQ or RFP at any time and publish a new RFQ or RFP;
 - 2) Decline to award a public private agreement for any reason;
 - 3) Request clarifications to any qualifications or RFPs or seek one or more revised proposals or one or more best and final offers;
 - 4) Modify the terms, provisions and conditions of an RFQ, RFP, technical specifications, or form of a public private agreement during the procurement process; and
 - 5) Interview offerors in accordance with this Subpart.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.940 Discussions with Offerors

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

In accordance with provisions of the RFP, the Department may meet with each offeror for the purpose of discussing the RFP or proposal in detail. The offerors will be notified of any questions or requests for additional information. The offeror may be invited for confidential discussions with the Department to discuss answers to written or oral questions and to any facet of the draft RFP or proposal.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.945 Clarifications

After the initial evaluation, the results for all proposals will be gathered, evaluated and ranked for each of the evaluation criteria. If information is not complete, the Department will either seek clarifications or declare the proposal nonresponsive.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.950 Selection and Negotiations

- a) The Department may use a selection process that results in the selection of one or more proposals offering the best value to the public, revenue sharing, or any other selection process that the Department determines is in the best interest of the State.
- b) The Department will select at least 2 offerors as finalists. One offeror will be named a finalist and at least one named an alternate finalist. The Department will submit the offerors' statements of qualification and proposals to the COGFA and the PPB. (Section 20(f) of the Act)
- c) The Department may select one offeror for negotiations based on the evaluation criteria set forth in the RFP. In the event that the Department determines that negotiations with the selected offeror are not likely to result in a public private agreement or no longer reflect the best offer to the State and the public, the Department may commence negotiations with another responsive offeror and may suspend, terminate or continue negotiations with the other offeror or offerors. If negotiations with the next offeror are unsuccessful, the Department may terminate the procurement without award and may begin a new procurement under this Subpart L.

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- d) The Department will not select an offeror as the contractor for the Illiana Expressway project until it has received and considered the findings of the COGFA and the PPB, as set forth in their respective reports. (Section 20(f) of the Act)

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.955 Interim Agreements

Prior to or in connection with the negotiation of the public private agreement, the Department may enter into one or more interim agreements with the selected offeror or other vendors if the Department determines in writing that it is in the public interest to do so. (Section 30 of the Act)

- a) The interim agreement may not authorize the contractor to perform construction work prior to the execution of the public private agreement. (Section 30(b) of the Act)
- b) The interim agreement may include any or all of the provisions set forth in Section 30(c) of the Act. (Section 30(c) of the Act)

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.960 Award

- a) Before awarding a public private agreement to an offeror, the Department will schedule and hold a public hearing or hearings on the proposed public private agreement and publish notice of the hearing or hearings at least 7 days before the hearing and in accordance with Section 4-219 of the Illinois Highway Code [605 ILCS 5/4-219].
- 1) The notice must include the following:
- A) The date, time, and place of the hearing and the address of the Department;
- B) The subject matter of the hearing;

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- C) *A description of the agreement that may be awarded; and*
- D) *The recommendation that has been made to select an offeror as the contractor for the Illiana Expressway project.*
- 2) *At the hearing, the Department will allow the public to be heard on the subject of the hearing. (Section 20(g) of the Act)*
- b) *After the procedures required in this Section have been completed, the Department will make a determination as to whether the offeror should be designated as the contractor for the Illiana Expressway project and will submit the decision to the Governor and to the Governor's Office of Management and Budget. After review of the Department's determination, the Governor may accept or reject the determination. If the Governor accepts the determination of the Department, the Governor shall designate the offeror for the Illiana Expressway project. (Section 20(h) of the Act)*

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.965 Execution of Contract and Notice to Proceed

The Department will publish a notice of the execution of the public private agreement and the Notice to Proceed on its website at <http://www.dot.il.gov> and in the newspaper of general circulation within the county or counties whose territory includes or lies within 5 miles from a proposed or existing Illiana Expressway project site. Additionally, the Department will publish the full text of the public private agreement on its website. (Section 65 of the Act)

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.970 Subsequent Contracts

- a) *The Department may, pursuant to the Code and this Part, award contracts for goods, services, or equipment to persons other than the contractor for goods, services, or equipment not provided for in the public private agreement. (Section 50 of the Act) Notwithstanding any provision of law to the contrary, the selection of professional design firms by the Department will comply with the Architectural, Engineering, and Land Surveying Qualifications Based Selection*

CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Act [30 ILCS 535]. (Section 47 of the Act)

- b) After execution of the public private agreement, subsequent contracts by the contractor must be in compliance with the Code, the Act and Department policies.
- c) The contractor's authority to negotiate and execute subsequent subcontracts with third parties will be included in the public private agreement.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 6.975 Disclosure of Proposal Contents

In accordance with the Code and the Freedom of Information Act [5 ILCS 140] and prior to execution of the public private agreement, all records relating to discussions or negotiations between the Department and short listed offerors will be treated as confidential. Upon final execution of the public private agreement and each financing transaction required to provide funding, all proposals will be subject to possible disclosure under the Freedom of Information Act or federal disclosure laws, except to the extent that the information may be treated as confidential under those laws.

(Source: Added at 37 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Guidelines for Carbon Dioxide Transportation and Sequestration
- 2) Code Citation: 83 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
302.10	New Section
302.20	New Section
302.30	New Section
302.40	New Section
302.50	New Section
302.60	New Section
302.APPENDIX A	New Section
302.APPENDIX B	New Section
- 4) Statutory Authority: Implementing Section 20(e) of the Carbon Dioxide Transportation and Sequestration Act, [220 ILCS 75/20(e)] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75] creates a process whereby owners or operators of carbon dioxide pipelines seek route certification by the Illinois Commerce Commission. Section 20(e) of that Act [220 ILCS 75/20(e)] requires that rules of the Illinois Commerce Commission ensure that notice is provided to landowners along a proposed pipeline route. Proposed Part 302 would create such notice requirements, and is partially based on Commission rules applicable to analogous proceedings related to Illinois public utilities and pipeline carriers (83 Illinois Adm. Code 300).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 13-0389, with:

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Notice to landowners
 - C) Types of Professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because the Commission did not anticipate the need for this amendment at that time.

The full text of the Proposed Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITYPART 302
GUIDELINES FOR CARBON DIOXIDE TRANSPORTATION
AND SEQUESTRATION

Section

- 302.10 Definitions
- 302.20 Certificate of Authority
- 302.30 Application for Certificate of Authority
- 302.40 Negotiation of the Acquisition of an Easement in Property or any Interest in Property
- 302.50 Application of this Part
- 302.60 Revocation of Existing Certificate
- 302.APPENDIX A Statement of Information from the Illinois Commerce Commission Concerning Applications for a Certificate of Authority by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act
- 302.APPENDIX B Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Easement in Property or any Interest in Property by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act

AUTHORITY: Implementing Section 20(e) of the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75/20(e)] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 302.10 Definitions

As used in this Part:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

"Act" means the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75].

"Commission" means the Illinois Commerce Commission created by Section 2-101 of the Public Utilities Act [220 ILCS 5/2-101].

"Owner" or "Operator" means any *Owner or Operator of a pipeline designed, constructed, and operated to transport and to sequester carbon dioxide produced by a clean coal facility, by a clean coal SNG facility, or by any other source that will result in the reduction of carbon dioxide emissions from that source.* [220 ILCS 75/15]

Section 302.20 Certificate of Authority

This Part shall apply whenever any Owner or Operator seeks to construct, operate or repair a carbon dioxide pipeline under the Act.

Section 302.30 Application for Certificate of Authority

- a) Prior to any Owner or Operator or its agent initiating contact with any landowner (the record owner of the land as disclosed by the records of the tax collector of the county where the land is located) to negotiate the acquisition of an easement in property or any interest in property, it shall file with the Illinois Commerce Commission an application containing, in addition to the matters set forth in Section 20(b) of the Act, a brief description of the proposed project, a map of the route or route width showing either *the specific route for the carbon dioxide pipeline* (including size of site and width of easement to be sought), or *the project route width that identifies the areas in which the pipeline would be located, with such route ranging from the minimum width required for the pipeline right-of-way up to 200 feet in width* [220 ILCS 75/20(d)], and pipeline length and diameter, and the location of any above ground facilities (compressor stations, valves, etc.).
- b) *When an applicant files its application for a certificate of authority with the Commission, it shall provide notice to each local government where the proposed pipeline will be located and include a map of the proposed pipeline route. The applicant shall also publish notice in a newspaper of general circulation in each county where the proposed pipeline is located.* [220 ILCS 75/20(c)]

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- c) The applicant shall include with the application, when filed with the Commission, a list containing the name and address of each owner of record of the land along the proposed route, or within a proposed project route width, as disclosed by the records of the tax collector of the county in which the land is located, as of not more than 30 days prior to the filing of the application. *Notice of the filing of an application for a certificate of authority shall be provided by the Commission within 30 days after filing to the landowners along the proposed route, or to the potentially affected landowners within a proposed project route width.* [220 ILCS 75/20(e)] Notice shall include the time and place scheduled for the initial hearing on the application, and shall include the information required by Appendix A. This subsection's requirements for notice to owners of record shall not be deemed jurisdictional and the omission of the name and address of an owner of record from the list or lack of notice shall in no way invalidate a subsequent order of the Commission relating to the application.

Section 302.40 Negotiation of the Acquisition of an Easement in Property or Any Interest in Property

This Section shall govern the actions of every person acting on behalf of an Owner or Operator when negotiating the acquisition of an easement in any property or interest in property for the construction, maintenance or operation of a carbon dioxide pipeline:

- a) At least 14 days before the Owner or Operator initiates telephone or personal contact with the landowner to negotiate the acquisition of an easement in any property or interest in property, the utility representative shall send a letter to the landowner by certified mail, return receipt requested, containing the information set forth in subsection (c), together with the "Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Easement in Property or any Interest in Property by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act" (see Appendix B).
- b) Owner or Operator representatives shall keep and maintain a permanent record of all letters sent in compliance with this Section.
- c) Any letter sent by the Owner or Operator representative shall be on that representative's letterhead or on the letterhead of the utility, and it shall clearly set forth:
- 1) The identity, address and telephone number of the utility representative;

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 2) The identity of the Owner or Operator attempting to acquire easement in the property or interest in property;
 - 3) The general purpose of the proposed project;
 - 4) A description of the propose carbon dioxide pipeline, including pipeline length, pipeline diameter, and the location of any above ground facilities (compressor stations, valves, etc.);
 - 5) The general description of the easement in property or interest in property that the Owner or Operator seeks to acquire and the type of structures, if any, the Owner or Operator seeks to build;
 - 6) A statement that the Owner or Operator or its representative seeks to negotiate with the landowner to arrive at a fair and reasonable agreement for the easement in property or interest in property; and
 - 7) An invitation to the landowner to contact the Owner or Operator representative to arrange a mutually agreeable time for an appointment to further discuss the matter.
- d) If the landowner does not contact the Owner or Operator representative within two weeks after the mailing of the original letter, the representative may contact the landowner to attempt to establish a mutually convenient time and date for a meeting to discuss the matter.
- e) Each Owner or Operator representative shall carry, and show to every landowner contacted, an identification card with the name and address, the employer, and a recent picture of the Owner or Operator representative. All contacting persons shall provide their telephone numbers to landowners.
- f) Upon the initial personal contact with the landowner, each Owner or Operator representative shall be prepared to discuss, with specificity, the project for which the easement in property or interest in property is sought and shall more specifically inform and advise the landowner of the following:
- 1) By oral statement, the reason for the contact; e.g., the general purpose of the proposed project and the type of facilities to be constructed.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 2) Technical information regarding the proposed project. This shall include, among other things: to the extent that is then known to the Owner or Operator, a written statement briefly outlining the purpose of the proposed project; a small-scale map of the proposed project route or route width; sketches indicating types of facilities; the approximate location of facilities; the compensation and basis for compensation; if applicable, the types of structures; and the amount (length and width) of the easement in property or interest in property deemed necessary for the proposed project. This information shall also include a statement that the law provides that easements in property or interests in property ranging from the minimum width required for a pipeline right-of-way up to 200 feet in width may be sought for carbon dioxide pipelines. This information shall be furnished to the landowner for the landowner's review, along with any proposed agreement or contract proposed by the Owner or Operator.

Section 302.50 Application of this Part

This Part shall be prospectively applied. The Part shall not affect the following:

- a) The validity of any existing Commission certificate.
- b) The validity of any easement or subsequent order of the Commission under the Act.

Section 302.60 Revocation of Existing Certificate

This Part shall not cause the revocation of any existing Commission certificate.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Section 302.APPENDIX A Statement of Information from the Illinois Commerce Commission Concerning Applications for a Certificate of Authority by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act

[Name of Owner or Operator], the Owner or Operator of a carbon dioxide pipeline, has filed an application with the Illinois Commerce Commission for a certificate of authority to construct, operate or repair a carbon dioxide pipeline under the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75]. According to information filed with the application, the Owner or Operator proposes to construct, operate and maintain certain facilities on or near your land.

The purpose of this Statement is to provide you with general information regarding the Illinois Commerce Commission's ("Commission") regulatory process governing a company's proposed project, including the procedures that companies must follow before they can exercise their limited grant of authority to take and acquire an easement in any property or interest in property for construction, maintenance or operation of a carbon dioxide pipeline in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act [735 ILCS 30]. This Statement covers several questions that landowners commonly pose to Commission staff members about proceedings at the Commission that related to a company's proposed project when a company seeks to place facilities on or near the landowner's property. This Statement, however, is not a legal opinion concerning your rights under the law or the Commission's rules. It also is not a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

Requests for a Certificate of Authority under the
Carbon Dioxide Transportation and Sequestration Act

Before constructing, operating or repairing a carbon dioxide pipeline, an Owner or Operator must obtain a certificate of authority from the Commission under Section 20 of the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75/20]. To obtain a certificate, the Owner or Operator files an application with the Commission describing the proposed project. The Commission then initiates a proceeding to consider evidence regarding the application and notifies the potentially affected landowners of the date, time and place of the initial hearing regarding the proposed project. The courts, not the Commission, make the final decision as to whether the company can acquire the easement in property or in any interest in property and, if so, the compensation that the company will pay to the landowner.

Attempts by Owners and Operators to Acquire Property Rights

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

An Owner or Operator may seek to purchase land or acquire a right for use of the land. Alternatively, an Owner or Operator representative may seek to obtain an option to purchase land or land rights at a future date. A company representative will provide affected or potentially affected landowners with information regarding the price and other terms that the Owner or Operator intends to offer for the easement in property or any interest in property. The Owner or Operator uses its own forms for this type of transaction. The Commission does not require a company seeking to acquire an easement in property or any interest in property to use any particular form.

The price and other terms for the easement in property or any interest in property are matters of negotiation between each landowner and an Owner or Operator. The Commission does not participate in the negotiation. The Commission also does not establish or approve the negotiated price and other terms for the acquisition of an easement in property or any interest in property. Negotiation involves discussion and bargaining in an effort to reach a mutual agreement. During the negotiations, and at any time, you may be represented by an attorney. However, you are under no obligation to retain anyone to provide legal counsel. Further, you are under no obligation to negotiate or reach an agreement with the company that is seeking to acquire an easement in property or any interest in property. The Commission does not require the Owner or Operator to obtain an easement by negotiating a fixed amount or percentage of property or any interest in property necessary for the project before it seeks Commission authorization to acquire an easement in property or any interest in property.

The Commission will make its final decision regarding a project's route in certificate proceedings. Once an Owner or Operator obtains a certificate of authority, issues such as the specific route of the project are not typically reconsidered in subsequent proceedings before the Commission or addressed before the courts. You should not delay in taking whatever action that you believe is, or may be, necessary to protect your property interests. If you elect to negotiate with a company, the Commission encourages you or your representative to negotiate vigorously.

If you have any questions about this Statement or Commission rules and procedures, please contact:

Director, Safety & Reliability Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Please address specific questions concerning your individual property to the company representative.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Section 302.APPENDIX B Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Easement in Property or any Interest in Property by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act

A representative of an Owner or Operator of a carbon dioxide pipeline is contacting you to negotiate the purchase of an easement in property or in any interest in property over or through property that you own, or in which you have an interest as an owner. The company proposes to construct, operate and maintain certain facilities on your land, as set forth in the accompanying letter. The company representative contacting you will further explain the proposed project.

The purpose of this Statement is to provide you with general information regarding the Illinois Commerce Commission's ("Commission") regulatory process governing a company's proposed project, including the procedures that companies must follow before they can exercise their limited grant of authority to take and acquire an easement in any property or interest in property for construction, maintenance or operation of a carbon dioxide pipeline in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act [735 ILCS 30]. This Statement covers several questions that landowners commonly pose to Commission staff members about proceedings at the Commission that related to a company's proposed project when a company seeks to place facilities on or near the landowner's property. This Statement, however, is not a legal opinion concerning your rights under the law or the Commission's rules. It also is not a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

Requests for a Certificate of Authority under the
Carbon Dioxide Transportation and Sequestration Act

Before constructing, operating or repairing a carbon dioxide pipeline, an Owner or Operator must obtain a certificate of authority from the Commission under Section 20 of the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75/20]. To obtain a certificate, the Owner or Operator files an application with the Commission describing the proposed project. The Commission then initiates a proceeding to consider evidence regarding the application and notifies the potentially affected landowners of the date, time and place of the initial hearing regarding the proposed project. The courts, not the Commission, make the final decision as to whether the company can acquire the easement in property or in any interest in property and, if so, the compensation that the company will pay to the landowner.

Attempts by Owners and Operators to Acquire Property Rights

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

An Owner or Operator may seek to purchase land or acquire a right for use of the land. Alternatively, an Owner or Operator representative may seek to obtain an option to purchase land or land rights at a future date. A company representative will provide affected or potentially affected landowners with information regarding the price and other terms that the Owner or Operator intends to offer for the easement in property or any interest in property. The Owner or Operator uses its own forms for this type of transaction. The Commission does not require a company seeking to acquire an easement in property or any interest in property to use any particular form.

The price and other terms for the easement in property or any interest in property is a matter of negotiation between each landowner and an Owner or Operator. The Commission does not participate in the negotiation. The Commission also does not establish or approve the negotiated price and other terms for the acquisition of an easement in property or any interest in property. Negotiation involves discussion and bargaining in an effort to reach a mutual agreement. During the negotiations, and at any time, you may be represented by an attorney. However, you are under no obligation to retain anyone to provide legal counsel. Further, you are under no obligation to negotiate or reach an agreement with the company that is seeking to acquire an easement in property or any interest in property. The Commission does not require the Owner or Operator to obtain an easement by negotiating a fixed amount or percentage of property or any interest in property necessary for the project before it seeks Commission authorization to acquire an easement in property or any interest in property.

The Commission will make its final decision regarding a project's route in certificate proceedings. Once an Owner or Operator obtains a certificate of authority, issues such as the specific route of the project are not typically reconsidered in subsequent proceedings before the Commission or addressed before the courts. You should not delay in taking whatever action that you believe is, or may be, necessary to protect your property interests. If you elect to negotiate with a company, the Commission encourages you or your representative to negotiate vigorously.

If you have any questions about this Statement or Commission rules and procedures, please contact:

Director, Safety & Reliability Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Please address specific questions concerning your individual property to the company representative.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Interior Design Profession Title Act
- 2) Code Citation: 68 Ill. Adm. Code 1255
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1255.20	Amendment
1255.30	Amendment
1255.40	Amendment
1255.50	Amendment
1255.60	Amendment
1255.65	Amendment
1255.70	Amendment
1255.80	Amendment
1255.90	Amendment
- 4) Statutory Authority: Implementing the Interior Design Profession Title Act [225 ILCS 310] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)]
- 5) A Complete Description of the Subjects and Issues Involved: PA 96-1334 is the sunset reauthorization of The Interior Design Title Act. This proposed rulemaking implements various provisions of the Act, including elimination of the "Residential Interior Design" registration and all requirements and references to that registration. The late fee for restoration of a non-renewed license is increased from \$20 to \$50. Various other clean-up and technical changes have also been made, including changes to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposal rulemakings on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 Fax #: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Interior design professionals will be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: The skills and experience defined in Section 8 of the Act and in Section 1255.40 of the current rules are required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL REGULATION](#)
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1255

INTERIOR DESIGN PROFESSION TITLE ACT

Section

1255.10	Application for Registration Under Section 8(c) of the Act (Grandfather) (Repealed)
1255.15	Application for Registration as a Residential Interior Designer Under Section 8(c-5) of the Act (Grandfather) (Repealed)
1255.20	Application for Registration
1255.30	Approved Programs of Interior Design
1255.40	Full-time Diversified Professional Experience
1255.50	Endorsement
1255.60	Renewal
1255.65	Fees
1255.70	Inactive Status
1255.80	Restoration
1255.90	Granting Variances

AUTHORITY: Implementing the Interior Design Profession Title Act [225 ILCS 310] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 17411, effective November 19, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 3194, effective February 18, 1992; amended at 19 Ill. Reg. 7614, effective May 26, 1995; emergency amendment at 24 Ill. Reg. 872, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 1928, effective January 19, 2000; amended at 37 Ill. Reg. _____, effective _____.

Section 1255.20 Application for Registration

- a) An applicant for registration as an interior designer ~~or a residential interior designer~~ shall file an application, on forms provided by the Department, ~~that~~[which](#) includes the following:
 - 1) Certification submitted to the Department [of Financial and Professional Regulation-Division of Professional Regulation \(Division\)](#) from: ~~A)theThe~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

National Council for Interior Design Qualifications (NCIDQ) indicating the successful completion of the NCIDQ examination for an interior design license.;

~~B) The Council for Qualifications of Residential Interior Designers (CQRID) indicating the successful completion of the CQRID examination for a residential interior design license;~~

2) Proof of Education/Experience

A) Certification of graduation and official transcripts from a 4 or 5 year interior design program as set forth in Section 1255.30 and at least 2 years of full-time diversified interior design experience as defined in Section ~~83(f)~~ of the Act and Section ~~1255.40+1250.40~~ of this Part; or

~~B) Certification of graduation and official transcripts from an approved 4 year interior design program and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or~~

~~B~~C) Certification of completion and official transcripts of at least 3 years of interior design curriculum from an approved program as provided in Section 1255.30 and at least 3 years of full-time diversified interior design experience as defined in Section ~~83(f)~~ of the Act and Section ~~1255.40+1250.40~~ of this Part; ~~or~~

~~C~~D) Certification of graduation and official transcripts from an approved 2 year interior design program as provided for in Section 1255.30 and at least 4 years of full-time diversified interior design experience as defined in Section ~~83(f)~~ of the Act and Section ~~1255.40+1250.40~~ of this Part; ~~or~~

~~E) For a residential interior designer license, certification of a high school diploma or G.E.D. plus 5 years of full-time diversified residential interior design experience;~~

3) ~~A complete work history; and~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 34) The fee required by Section 1255.65 ~~of this Part.~~
- b) An individual who holds an active license as an architect in Illinois pursuant to the Illinois Architecture Practice Act of 1989 [225 ILCS 305] shall be issued a certificate of registration as an interior designer ~~or a residential interior designer~~ without examination, as provided in Section 8(d) of the Act, upon submitting to the Division an application ~~and to the Department~~ upon payment of a fee of \$40.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1255.30 Approved Programs of Interior Design

- a) The ~~Division~~Department shall, upon recommendation of the Board, approve an interior design program if it meets the following minimum criteria:
- 1) The educational institution is/was legally recognized and authorized, through appropriate agencies such as a ministry of education or higher education governing board, by the jurisdiction in which it is located at the time the degree/certificate was obtained to confer any of the degrees/certificates required for registration in accordance with Section 8 of the Act;
 - 2) Permanent student records are maintained by the institution which summarize the credentials for admission, attendance, grades and other records of performance;
 - 3) The program has a designated director and a sufficient number of instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by degrees in their ~~areas~~area(s) of teaching from professional colleges or institutions;
 - 4) The curriculum ~~is at least 2 academic years that~~ provides educational experience with practical application encompassing:
 - A) Drafting
 - B) Two-~~Dimensional~~Deminsional Design

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- C) Three-Dimensional Design
 - D) Design and Composition Fundamentals
 - E) Color Theory
 - F) Fundamentals of ~~Residential~~ Design
 - ~~G) Fundamentals of Non-Residential Design~~
 - ~~GH) Building Systems~~
 - ~~HF) Materials~~
 - ~~IJ) Codes and Ordinances~~
 - ~~JK) Presentation Skills~~
 - ~~KL) Business Practices and Management~~
 - ~~LM) History of Art, Architecture and Design~~
 - ~~MN) Computer Aided Drafting and Design~~
 - ~~NO) Lighting;~~
- 5) A 2 year program shall include 8 or more of the ~~above~~ courses ~~listed set forth~~ in subsection (a)(4)-~~above~~ and ~~include~~ a minimum of 40 semester/~~60 quarter credits of interior design coursework~~hours;
 - 6) A 3 year program shall include 8 or more of the above courses ~~listed set forth~~ in subsection (a)(4)-~~above~~ and ~~include~~ a minimum of ~~60~~90 semester/~~90 quarter credits of interior design coursework~~hours;
 - 7) A 4 or 5 year program shall include 8 or more of the courses ~~listed set forth~~ in subsection (a)(4)-~~above~~ and ~~include~~ a minimum of ~~60~~120 semester/~~90 quarter credits of interior design coursework~~hours.
- b) In determining whether a program should be approved, the ~~Division~~Department

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

shall take into consideration, but not be bound by, accreditation or approval by the [Council for Interior Design Accreditation \(CIDA\) \(formerly known as the Foundation for Interior Design Education Research](#) ~~or~~ (FIDER).

- c) The ~~Division~~Department has determined that all interior design programs accredited or approved by [CIDA or](#) FIDER as of July 1, 1995; meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1255.40 Full-time Diversified Professional Experience

- a) Full-time diversified professional experience in interior design/~~residential interior design~~ shall meet the minimum requirements ~~outlined as defined~~ in Section ~~8(a)3(f)~~ of the Act and shall be in any one or combination of the following interior design related fields:
- 1) Commercial Design
 - 2) Institutional/Educational
 - 3) Governmental
 - 4) Hospitality/Restaurant
 - 5) Facilities Management
 - 6) Residential Design
 - 7) Kitchen/Bath
 - 8) Store Planning/Retail
 - 9) Industrial/Manufacturing
 - 10) Health Care
- b) All experience shall have been acquired after completion of a minimum of 2 years of a design or interior design related education program. ~~This subsection does not~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

~~apply to applicants applying pursuant to Section 1255.15 of this Part.~~

- c) "Full-time" experience is defined as a minimum of 1,800 hours during a 12 month period. No more than one year credit will be given in a 12 month period.
- d) "Part-time" experience is defined as a minimum of 900 hours during a 12 month period. No more than one half year credit will be given in a 12 month period.
- e) Approved professional experience consists of successful performance of work relating to the profession of interior design, ~~interior design services or residential interior design services~~ as described in Section 3 of the Act, verified by a supervising interior designer, architect or owner/manager in an interior design setting.
- f) One year of experience will be granted for 2 academic years of full-time teaching experience as defined by the institution in an approved interior design program. A maximum of one year of experience for teaching will be awarded. Teaching~~Any teaching~~ experience claimed by an applicant must be validated by an official of the school offering the design program.
- g) ~~An applicant cannot earn more than 40 hours per week of approved experience (i.e., overtime does not qualify for additional approved experience).~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1255.50 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to register as an interior designer ~~or residential interior designer~~ shall file an application ~~with the Department~~, on forms provided by the Division~~Department~~, together with which includes:
 - 1) Certification of an interior design ~~or residential interior design~~ degree from a program approved by the Division~~Department~~ in accordance with Section 1255.30 ~~of this Part~~;
 - 2) Certification of professional experience specified as set forth in Section 1255.40 ~~of this Part~~;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant predominantly practices and is currently licensed/registered, stating:

A) The time during which the applicant was licensed/registered;

B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and

C) ~~Examinations~~ Examination(s) taken and examination ~~scores~~ score(s) received;

~~4) A complete work history; and~~

~~4)5) The required fee specified as set forth~~ in Section 1255.65.

b) In lieu of ~~subsections~~ subsection (a)(1) and (2), the ~~Division will~~ Department shall accept certification from the National Council for Interior Design Qualification ~~and Council for Residential Interior Designers~~.

c) The ~~Division~~ Department may require additional information to determine:

1) if the requirements in the state, territory of the United States or foreign country at the time the applicant was licensed/registered were substantially equivalent to the requirements then in effect in Illinois; or

2) if the requirements of another state, territory of the United States or foreign country, together with education and professional experience qualifications of the applicant, are substantially equivalent to the requirements in Illinois at the time of application.

d) The ~~Division~~ Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the National Council of Interior Design Qualifications ~~or Council for Residential Interior Designers~~; education, training, and experience, including, but not limited to, whether the applicant has had special honors or awards, has had articles published in professional journals, or has written textbooks relating to interior

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

design; and any other attribute ~~that~~^{which} the Director of the ~~Division~~^{Department} accepts as evidence that the applicant has outstanding and proven ability in interior design.

- e) The ~~Division~~^{Department} shall either issue registration by endorsement or notify the applicant in writing of the reasons for denying the application.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1255.60 Renewal

- a) Every registration issued under the Act shall expire on August 31 of odd-numbered years. The holder of a registration may renew such registration during the month preceding the expiration date by paying the required fee.

~~b) The first renewal period for registration as a residential interior designer shall be August 31, 1997. Thereafter, renewal for a residential interior designer shall be in accordance with subsection (a) above.~~

- be) It is the responsibility of each registrant to notify the ~~Division~~^{Department} of any change of address. Failure to receive a renewal form from the ~~Division~~^{Department} shall not constitute an excuse for failure to pay the renewal fee or to renew one's registration.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1255.65 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a certificate of registration as a registered~~an~~ interior designer ~~or residential interior designer~~ is \$100. ~~In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in forfeiture of the examination fee.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- b) Renewal Fees. The fee for the renewal of a certificate of registration shall be calculated at the rate of \$30 per year.
- c) General Fees:
- 1) The fee for the restoration of a certificate of registration other than from inactive status is ~~\$50~~\$20 plus payment of all lapsed renewal fees, but not to exceed ~~\$230~~\$200.
 - 2) The fee for the issuance of a duplicate certificate of registration, for the issuance of a replacement certificate of registration, for a certificate of registration that has been lost or destroyed or for the issuance of a certificate of registration with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on ~~Division~~Department records when no duplicate certificate of registration is issued.
 - 3) The fee for a certification of a registrant's record for any purpose is \$20.
 - 4) ~~The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.~~
 - 5) ~~The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.~~
 - 4)6) The fee for a roster of persons registered as interior designers ~~or residential interior designers~~ in this State shall be the actual cost of producing the roster.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1255.70 Inactive Status

- a) Registered interior designers ~~or registered residential interior designers~~ who notify the ~~Division~~Department in writing on forms provided by the ~~Division~~Department may elect to place their registration on inactive status and shall be excused from the payment of renewal fees until they notify the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

~~Division~~Department in writing of the desire to resume active status.

- b) Any registered interior designer ~~or registered residential interior designer~~ seeking restoration from inactive status shall do so in accordance with Section 1255.80 ~~of this Part.~~
- c) Any person whose registration is on inactive status shall not use the title "~~registered~~ interior designer" ~~or "residential interior designer"~~ in the State of Illinois.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1255.80 Restoration

- a) Any ~~registered~~ interior designer ~~or residential interior designer~~ whose registration has expired or has been placed on inactive status for 5 years or less may have the certificate of registration restored by paying the fees required by Section 1255.65.
- b) Any person seeking restoration of a certificate of registration ~~that~~which has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the ~~Division~~Department, for review by the Board, together with the fee required by Section 1255.65. The applicant shall also submit at least one of the following:
- 1) Sworn evidence of active practice in another jurisdiction. ~~The~~Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of ~~the~~said active practice;
 - 2) An affidavit attesting to military service as provided in Section 9 of the Act;
 - 3) Proof of passage of the NCIDQ examination for an interior designer license during the period the registration was lapsed or on inactive status; or
 - 4) Sworn evidence of one year of active practice as an interior designer or two years of experience as an educator at an approved program of design within the two years prior to filing an application for restoration. The

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

evidence shall include completion of forms provided by the Division stating that the applicant is fit to practice~~Proof of passage of the CQRID examination for a residential interior design license during the period the registration was lapsed or on inactive status.~~

- c) When the accuracy of any submitted documentation, or the relevance of sufficiency of the course work or experience is questioned by the Division~~Department~~, because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant seeking restoration of a registration shall be required to:
- 1) Provide ~~such~~ information as may be necessary; and/or explain the
2) Explain such relevance or sufficiency during an oral interview; or
 - 23) Appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act.
- d) Upon the recommendation of the Board, and approval by the Director, an applicant shall have his/her registration restored or be notified in writing of the reason for denying the application.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1255.90 Granting Variances

- a) The Director ~~of the Department~~ may grant variances from the requirements of this Part~~these rules~~ in individual cases when he or~~she~~ finds that:
- 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of Interior Design Professionals of the granting of and the reasons for, the~~such~~ variance ~~, and the reasons therefor,~~ at the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

next meeting of the Board.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Illinois Landscape Architecture Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1275
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1275.30	Amendment
1275.40	Amendment
1275.50	Amendment
1275.60	Amendment
1275.65	New Section
1275.70	Amendment
1275.75	Amendment
1275.80	Amendment
1275.ILLUSTRATION A	New Section
- 4) Statutory Authority: Implementing the Illinois Landscape Architecture Act of 1989 [225 ILCS 315] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: PA 96-730 is the sunset reauthorization of The Illinois Landscape Architecture Act of 1989. This proposed rulemaking implements various provisions of the Act including clarification of approved programs, experience and changes of procedure to allow the national examination to be taken prior to submitting an application to the Division. Section 1275.65 is being added to implement new continuing education requirements. The proposed rulemaking also includes the new requirement of a Landscape Architect seal. The late fee for restoration of a non-renewed license is increased from \$20 to \$50. Various other clean-up and technical changes have also been made.
- 6) Published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Craig Cellini, Rules Coordinator
Department of Financial and Professional Regulation
320 West Washington, 3rd Floor
Springfield, Illinois 62786
- 217/785-0813 Fax #: 217/557-4451
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Those providing landscape architecture services.
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: Landscape architecture skills are required.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1275

THE ILLINOIS LANDSCAPE ARCHITECTURE ACT OF 1989

Section

- 1275.10 Application for Registration Under Section 11(e) of the Act (Grandfather)
(Repealed)
- 1275.20 Approved Programs
- 1275.30 Experience
- | 1275.40 Application for Licensure by Examination
- 1275.50 Examination
- 1275.60 Endorsement
- | 1275.65 Continuing Education
- 1275.70 Renewal
- 1275.75 Fees
- 1275.80 Restoration
- 1275.90 Granting Variances
- | 1275.ILLUSTRATION A Landscape Architect Seal Requirements

AUTHORITY: Implementing the Illinois Landscape Architecture Act of 1989 [225 ILCS 315] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 3324, effective February 11, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 10091, effective June 24, 1991; amended at 16 Ill. Reg. 10458, effective June 22, 1992; amended at 22 Ill. Reg. 10597, effective June 1, 1998; amended at 24 Ill. Reg. 619, effective December 31, 1999; amended at 30 Ill. Reg. 4646, effective March 2, 2006; amended at 37 Ill. Reg. _____, effective _____.

Section 1275.30 Experience

- a) Verification, on forms provided by the Division, of 2 years of professional experience in landscape architecture practice as defined in Section 3(f) of the Act.
- b) Satisfactory experience in the practice of landscape architecture shall include, but not be limited to:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) ~~Performing the duties of a landscape architect~~~~Work~~ in a ~~professional~~~~landscape architect's~~ office or ~~work in the office or~~ government agency under the direct supervision of a licensed landscape architect, professional engineer or licensed architect. Experience outside of Illinois must be under the direct supervision of a licensed landscape architect, professional engineer or licensed architect that is legally authorized to practice landscape architecture in the jurisdiction in which he or she is located~~where an architect or engineer is legally authorized to practice in the jurisdiction in which he or she is located;~~
 - 2) Teaching landscape architecture in an approved program;
 - 3) Conducting or participating in research in landscape architecture in an approved program as described in Section 1275.20.
- c) All experience shall be under the direct supervision of a landscape architect, architect or engineer.
 - d) One year of experience credit is defined as full-time employment for 52 weeks with a minimum of 30 hours per week. An applicant shall not receive experience credit for overtime.
 - e) Part-time employment shall be counted as one-half week for each 15 hours of employment per week.
 - f) Employment with one employer of less than 2 months shall not be counted toward fulfillment of the experience requirement.
 - g) ~~A master's degree in landscape architecture from an approved program shall be accepted in lieu of one year of practical experience.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1275.40 Application for Licensure by Examination

- a) An applicant for licensure as a landscape architect~~examination~~ shall file an application, on forms supplied by the Division, that includes at least 120 days prior to an examination date.~~The application shall include:~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Certification of graduation from an approved landscape architecture program as set forth in Section 1275.20 ~~of this Part~~;
 - 2) Certification, on forms provided by the Division, of professional experience as set forth in Section 1275.30;
 - 3) Certification, on forms provided by the Division, of successful completion of the examination as set forth in Section 1275.50;
 - ~~2) A complete work history since graduation; and~~
 - ~~43) The fees required by Section 1275.75 of this Part.~~
- b) ~~Any person who is currently registered in good standing in Illinois shall not be admitted to an examination in Illinois. However, in no way shall this limit the Division's ability to require reexamination for restoration or enforcement purposes.~~
- e) ~~If an applicant has been licensed in another state, certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:~~
- ~~1) The time during which the applicant was licensed;~~
 - ~~2) Whether the file of the applicant contains any record of any disciplinary actions taken or pending; and~~
 - ~~3) Examinations taken and examination scores received.~~
- bd) In lieu of the certification required in subsection (a)(1), the Division shall accept certification from the Council of Landscape Architectural Registration Boards (CLARB).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1275.50 Examination

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- a) The examination for registration as a landscape architect shall be CLARB'sthe Landscape Architect Registration Examination (L.A.R.E.)~~of the Council of Landscape Architectural Registration Boards or another examination approved by the Division. (The Uniform National Examination is known as the Landscape Architect Registration Examination.)~~
- b) The passing score on the examination shall be the passing score established by the testing entity.
- ~~e) If an applicant fails to pass an examination for registration under the Act within three years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee, and meet the requirements for registration at the time of application.~~
- ~~d) The examination for licensure of a landscape architect shall be administered at least once a year.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1275.60 Endorsement

- a) An applicant for registration as a landscape architect who is registered under the laws of another state or territory of the United States shall file an application with the Division, on forms provided by the Division, that includes:
- 1) Certification, on forms provided by the Division, of a landscape architecture degree from a program approved by the Division in accordance with Section 1275.20~~of this Part~~;
 - 2) Certification, on forms provided by the Division, of professional experience as set forth in Section 1275.30~~of this Part~~;
 - ~~3) In lieu of the certifications required in subsections (a)(1) and (a)(2), the Division shall accept certification from the Council of Landscape Architectural Registration Boards;~~
 - 34) Certification, on forms provided by the Division, from the state or territory of the United States, or foreign jurisdiction, in which the applicant was

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

originally licensed and the state, territory or foreign jurisdiction in which the applicant predominantly practices and is currently licensed, stating:

- A) The time during which the applicant was licensed;
- B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending; and
- C) Examinations taken and examination scores received;

~~5) A complete work history; and~~

~~46) The required fee as set forth in Section 1275.75;:-~~

5) In lieu of the certifications required by subsections (a)(1), (a)(2) and (a)(3), the Division shall accept certification from CLARB.

- b) The Division may require additional information to determine if the requirements in the state, ~~or~~ territory, or foreign jurisdiction were substantially equivalent to the requirements ~~then~~ in effect in Illinois at the time of application to determine whether the requirements of ~~the~~ another state or territory, together with education and professional experience qualifications of the applicant, are substantially equivalent to the requirements in Illinois at the time of application. The Division, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the CLARB; education, training; and experience, including, but not limited to, whether the applicant has achieved special honors or awards, has had articles published in professional journals, or has written textbooks relating to landscape architecture; and any other attribute the Director of the ~~Department of Financial and Professional Regulation~~ Division of Professional Regulation (Director) accepts as evidence that the applicant has outstanding and proven ability in landscape architecture. The Division shall either issue a registration by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1275.65 Continuing Education

- a) Continuing Education

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Beginning with the 2015 renewal (for the period from September 1, 2013 through August 31, 2015) and every renewal thereafter, in addition to other requirements, every applicant for licensure renewal as a landscape architect shall complete 24 credit hours of continuing education (CE) relevant to landscape architecture. Failure to comply with these requirements may result in non-renewal of the landscape architect's license, other disciplinary action, or both.
- 2) A prerenewal period is the 24 months preceding September 1 of each odd-numbered year.
- 3) A CE hour means a minimum of 50 minutes of instruction or participation. A CE program shall not be presented during a dinner or social function. The dinner or social function must be concluded before the CE program commences or be held after the CE program is completed. If the program involves one or more hours of education, credit may be issued in one-half hour increments
- 4) A minimum of 20 CE hours shall be structured educational activities described in subsection (b)(1). Remaining hours may be fulfilled with any combination of structured educational activities and unstructured educational activities described in subsection (b)(2).
- 5) The Division shall conduct random audits to verify compliance with this Section.
- 6) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
- 7) Landscape architects licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section. The CE hours used to satisfy the CE requirements for renewal of a landscape architect license held in another jurisdiction may be applied to fulfillment of the CE requirements for renewal of the Illinois landscape architect license if they meet Illinois requirements.
- 8) Applicants are encouraged to emphasize health, safety and welfare subjects as outlined in The Practice of Landscape Architecture, A Study of

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

the Activities and Knowledge Areas for the Licensed Landscape Architect, published by CLARB and also known as the CLARB "Task Analysis".

- 9) All CE credits must be in subjects directly related to the profession of landscape architecture and must be performed outside the normal practice of one's occupation.

b) Activities for Which CE Credit May Be Earned

1) Structured Educational Activities (minimum of 20 hours)

A) CLARB and American Society of Landscape Architects (ASLA) endorsed seminars.

B) Seminars endorsed by professional organizations related to landscape architecture.

C) Courses offered by a college or university related to landscape architecture.

i) Per Credit hour (Quarter system): 10 CEs;

ii) Per Credit hour (Semester system): 15 CEs.

D) Self-study courses presented by correspondence, internet, television, video or audio, ending with an examination or other verification process. The CE credit acquired for this activity shall be as recommended by the program sponsor.

2) Unstructured Credit Hours (maximum of 4 hours)

A) Teaching or instructing a course or seminar related to landscape architecture for the first time only. Two hours of CE will be earned for every hour of teaching or instructing. This does not apply to faculty in the performance of their regularly assigned duties.

B) Authoring papers or articles related to landscape architecture that appear in nationally circulated publications, journals or trade

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

magazines or presented to a university, professional society or organization. Four hours of CE will be earned per paper or presentation, but not both.

C) Active participation on a committee or holding an office in a professional or technical society related to landscape architecture. Two hours of CE will be awarded per committee membership or office held.

c) The Division shall not pre-approve individual courses or programs.

d) It shall be the responsibility of a licensee to maintain a record of CE for 4 years that includes, but is not limited, to the following:

1) The name and address of the sponsor or provider, the number of hours attended in each program, the date and place of the program, and a certificate of attendance; or

2) A log of activities that includes the date and number of hours claimed as CE, a brief statement of the subject matter, printed program schedules, registration receipts, or other proof of participation.

e) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).

2) The Division may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. The additional evidence will be required in the context of the Division's random audit.

3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may be required to interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

f) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application, along with the required fee set forth in Section 1275.75, a statement setting forth the facts concerning noncompliance, and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician; or
 - C) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this subsection (f) shall be deemed to be in good standing until the final decision on the application is made by the Division.
- 4) Any renewal applicant who submits a request for waiver that is denied may then request his or her license be placed on inactive status. The applicant shall comply with the CE requirements prior to restoration of the license from inactive status, in accordance with Section 1275.80.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 1275.70 Renewal

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- a) Every license issued under the Act shall expire on August 31 of odd-numbered years. The holder of a registration may renew ~~the~~ registration during the month preceding ~~its~~the expiration date ~~thereof~~by paying the required fee and meeting the requirements of Section 1275.65.
- b) It is the responsibility of each registrant to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee or to renew one's registration.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1275.75 Fees

The following fees ~~may~~shall be paid to the Division and are not refundable:

- a) Application Fees. The fee for application for a certificate of registration as a landscape architect is \$100. In addition, applicants for an examination shall be required to pay, ~~either to the Division or to the designated testing service~~, a fee covering the cost of ~~determining an applicant's eligibility and~~ providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.
- b) Renewal Fees. The fee for the renewal of a certificate shall be calculated at the rate of \$30 per year.
- c) General Fees:
 - 1) The fee for the restoration of a certificate other than from inactive status is ~~\$50~~\$20 plus payment of all lapsed renewal fees, not to exceed ~~\$230~~\$200.
 - 2) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate for a certificate that has been lost or destroyed or for the issuance of a certificate with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate certificate is issued.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 3) The fee for a certification of a registrant's record for any purpose is \$20.
- ~~4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is \$20 plus any fees charged by the applicable testing service.~~
- ~~45) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.~~
- ~~56) The fee for a roster of persons registered as landscape architects in this State shall be the actual cost of producing the roster.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1275.80 Restoration

- a) A person seeking restoration of a license ~~that~~which has expired or been on inactive status for less than five years, or has been placed on nonrenewed status for failure to comply with CE requirements, shall file an application on forms provided by the Division, together with the following:~~have the license restored upon payment of \$20 plus all lapsed renewal fees, as set forth in Section 1275.75.~~
 - 1) The restoration fees specified in Section 1275.75. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in Section 1275.75; and
 - 2) Proof of completion of the required number of CE hours completed in accordance with Section 1275.65 within 2 years prior to application.
- ~~b) A person seeking restoration of a license which has been placed on inactive status for less than five years shall have the license restored upon payment of the renewal fee as set forth in Section 1275.75.~~
- be) A person seeking restoration of a license after it has expired or been placed on inactive status for more than five years shall file an application, on forms supplied by the Division, together with the following fee required by Section 1275.75 and may be scheduled for an interview before the Board. The person shall also submit either:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) The restoration fees specified in Section 1275.75. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in Section 1275.75;
 - 2) Proof of completion of the required number of CE hours completed in accordance with Section 1275.65 within 2 years prior to application; and
 - 3) One of the following:
 - A4) Certification of active practice in another jurisdiction. ~~The~~Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of ~~the~~such active practice; or
 - B2) An affidavit attesting to military service as provided in Section 12 of the Act; or
 - C3) Proof of passage of the L.A.R.E. examination during the period the license was lapsed or on inactive status;:-
 - D) Proof of employment in a responsible capacity under the direct supervision and control of a licensed landscape architect, architect or engineer.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 12 of the Act will be required to pay only the current renewal.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the person seeking restoration of a license shall be requested to:
- 1) Provide ~~such~~ information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain ~~the~~such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

the Division, an applicant shall have the license restored.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 1275.ILLUSTRATION A Landscape Architect Seal Requirements

- a) Every licensed landscape architect shall have a reproducible seal, or facsimile, the impression of which shall contain the name of the landscape architect, the license number, and words "Landscape Architect, State of Illinois". Plans, specifications and reports related to landscape architectural practice and prepared by the landscape architect, or under his or her supervision, shall be stamped with his or her seal when filed. A landscape architect's license must be in full force and effect in order to seal documents. The seal, signature and dates may be electronically affixed.
- b) The following is a suggested facsimile of the design and lettering of the seal:



signature

date

expires 8-31-

(Source: Added at 37 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Uniform Commercial Code
- 2) Code Citation: 14 Ill. Adm. Code 180
- 3) Section Number: 180.12 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9]
- 5) Complete Description of the Subjects and Issues Involved: Updates the forms that may be utilized for UCC filings and the font and case requirements for preparation of the forms.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Michelle Nijm
Assistant General Counsel
100 W. Randolph, Ste. 5-400
Chicago, IL 60601

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

312/814-7246

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was Summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate the need for this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 180
UNIFORM COMMERCIAL CODE

Section

180.10	Definitions
180.11	Tender of UCC Records for Filing/Search Request Delivery
180.12	Forms
180.13	Filing Fees/Methods of Payment/Overpayment and Underpayment Policies
180.14	Public Record Services
180.15	Acceptance and Refusal of Records
180.16	UCC Information Management System
180.17	Filing and Data Entry Procedures
180.18	Search Requests and Reports
180.19	XML Documents

AUTHORITY: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9].

SOURCE: Adopted at 12 Ill. Reg. 17431, effective November 1, 1988; amended at 18 Ill. Reg. 2101, effective February 1, 1994; amended at 20 Ill. Reg. 7064, effective May 8, 1996; emergency amendment at 25 Ill. Reg. 9984, effective July 23, 2001, for a maximum of 150 days; emergency expired December 19, 2001; amended at 26 Ill. Reg. 7448, effective May 2, 2002; amended at 29 Ill. Reg. 19704, effective November 28, 2005; amended at 30 Ill. Reg. 12977, effective July 11, 2006; amended at 31 Ill. Reg. 8559, effective June 15, 2007; amended at 32 Ill. Reg. 12057, effective July 16, 2008; amended at 34 Ill. Reg. 1411, effective February 1, 2010; amended at 36 Ill. Reg. 3931, effective February 27, 2012; amended at 37 Ill. Reg. _____, effective _____.

Section 180.12 Forms

The forms prescribed by Section 9-521 of the UCC [810 ILCS 5/9-521] shall be accepted by the filing office. Forms approved by the ~~International Association of Commercial Administrators (IACA) on or prior to July 1, 2006 and forms approved by the~~ UCC Division shall be accepted. Copies of the ~~approved forms approved by IACA as of July 1, 2006~~ are available on the Secretary of State's website at www.cyberdriveillinois.com, ~~on IACA's website at www.iaca.org~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

~~and at IACA, 3851 Essen Lane, Baton Rouge LA 70816. The incorporations of forms in this Section do not include any later amendments or editions.~~

- a) In order to insure the legibility after records are scanned into the imaging system of the UCC Division, the information on each record submitted shall be typewritten or computer generated typeface. The names and addresses of the debtor and the secured party shall be in ~~mixed case~~^{capital} letters with a font size of at least ~~109~~¹⁰⁹ point Helvetica style ~~or 12 point Times New Roman style~~ font.
- b) The remitter shall submit two copies of each record, along with a self-addressed stamped envelope. The UCC Division shall retain one copy for its records and return one copy to the remitter as an acknowledgement. If only one copy is submitted, it will be stamped "No Acknowledgement Received" and the UCC Division will retain that copy for its records. There will be no acknowledgement copy returned to the remitter.
- c) All UCC records must contain the full legal name of the debtor and indicate whether the debtor is an individual or an organization. If the debtor is an organization, the record must include the type of organization, the jurisdiction of the organization, and the organizational identification number of the debtor. Records that do not contain this information will not be accepted for filing. The disclosure on the records of the social security number or tax identification number of the debtor is voluntary only, and records will be accepted for filing without the number. The disclosure on the records of the social security number or tax identification number of the debtor is non-required information and, due to the sensitive nature of the information, it will be redacted from the record.
- d) When submitting a UCC-3 Amendment to delete more than a single debtor name, a separate UCC-3 Amendment form must, pursuant to Section 9-512 of the UCC, be completed for each debtor name to be deleted. A separate fee must also be tendered for each UCC-3 Amendment form submitted.
- e) When submitting a UCC-3 Amendment pursuant to Section 9-512 of the UCC, only one UCC-3 Amendment type per form will be permitted. A separate fee must also be tendered for each UCC-3 Amendment form submitted.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Chief Procurement Officer for General Services: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.2020 Adopted Action: Amendment
- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]
- 5) Effective Date of Rulemaking: June 5, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 1, 2013; 37 Ill. Reg. 901
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were needed.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Chief Procurement Officer for General Services is raising the requirements for competitive bidding for supplies and services to \$50,000 and above and for construction to \$70,000 and above.
- 16) Information and questions regarding this rulemaking shall be directed to:

Margaret L. van Dijk

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

Senior Policy Advisor
Chief Procurement Office for General Services
712 Stratton Office Building
Springfield, IL 62706

217/558-2228
Margaret.vanDijk@illinois.gov

The full text of the Adopted Amendment begins on the next page:

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

PART 1

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES
STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

1.1	Title
1.3	Authority
1.5	Policy
1.8	Implementation of This Part
1.10	Application
1.15	Definition of Terms Used in This Part
1.25	Property Rights
1.30	Constitutional Officers, and Legislative and Judicial Branches (Repealed)

SUBPART B: PROCUREMENT RULES, POLICIES AND PROCEDURES

Section

1.525	Rules
1.530	Policies and Procedures

SUBPART C: PROCUREMENT AUTHORITY

Section

1.1005	Procurement Authority
1.1010	Appointment of State Purchasing Officer (Repealed)
1.1040	Central Procurement Authority of the CPO-GS
1.1050	Procurement Authority of the SPO; Limitations (Repealed)
1.1060	Delegation
1.1070	Toll Highway Authority
1.1075	Department of Natural Resources (Repealed)
1.1080	Illinois Mathematics and Science Academy (Repealed)

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section

1.1501	Illinois Procurement Bulletin
1.1510	Publication of Illinois Procurement Bulletin
1.1515	Registration
1.1525	Bulletin Content
1.1550	Official State Newspaper (Repealed)
1.1560	Alternate and Supplemental Notice
1.1570	Error in Notice
1.1580	Direct Solicitation
1.1585	Notice Time
1.1590	Retention of Bulletin Information (Repealed)
1.1595	Availability of Solicitation Document

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

1.2005	General Provisions
1.2010	Competitive Sealed Bidding
1.2012	Multi-Step Sealed Bidding
1.2013	Reverse Auctions
1.2015	Competitive Sealed Proposals
1.2020	Small Purchase Limits
1.2025	Sole Economically Feasible Source Procurement
1.2030	Emergency Procurements
1.2035	Competitive Selection Procedures for Professional and Artistic Services
1.2036	Other Methods of Source Selection
1.2037	Tie Bids and Proposals
1.2038	Modification or Withdrawal of Bids or Proposals
1.2039	Mistakes
1.2040	Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

1.2043	Suppliers
1.2044	Vendor List
1.2045	Vendor Prequalification

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

1.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
1.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section
1.2050 Specifications and Samples

SUBPART I: CONTRACTS

Section
1.2055 Types of Contracts
1.2060 Duration of Contracts – General
1.2065 Cancellation of Contracts

SUBPART J: PROCUREMENT FILES

Section
1.2080 Public Procurement File
1.2084 Record Retention
1.2086 Filing with the Comptroller

SUBPART K: WORKING CONDITIONS

Section
1.2560 Prevailing Wage
1.2570 Equal Employment Opportunity; Affirmative Action
1.2575 Subcontractors (Repealed)

SUBPART L: CONTRACT PRICING

Section
1.2800 All Costs Included (Repealed)

SUBPART M: CONSTRUCTION AND

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section

1.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section

1.4005 Real Property Leases and Capital Improvement Leases
1.4010 Authority
1.4015 Method of Source Selection
1.4020 Request for Information – Real Property and Capital Improvement Leases
1.4025 Lease Requirements
1.4030 Purchase Option
1.4035 Rent Without Occupancy
1.4040 Local Site Preferences
1.4042 Historic Area Preferences
1.4044 Emergency Lease Procurement

SUBPART O: PREFERENCES

Section

1.4505 Procurement Preferences
1.4510 Resident Vendor Preference
1.4515 Soybean Oil-Based Ink
1.4520 Recycled Materials
1.4525 Recyclable Paper
1.4526 Environmentally Preferable Procurement
1.4530 Correctional Industries
1.4535 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities
1.4540 Gas Mileage and Flex-Fuel Requirements
1.4545 Small Business
1.4550 Illinois Agricultural Products
1.4555 Corn-Based Plastic Products
1.4557 Disabled Veterans
1.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
1.4575 Domestic Products
1.4578 Bio-Based Products

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

1.4579 Notice of Preferences

SUBPART P: ETHICS

Section

1.5002 Continuing Disclosure; False Certification
1.5005 Bribery
1.5010 Felons
1.5011 Debt Delinquency
1.5012 Collection and Remittance of Illinois Use Tax
1.5013 Conflicts of Interest Prohibited by the Code
1.5014 Environmental Protection Act Violations
1.5015 Negotiations for Future Employment
1.5020 Exemptions
1.5021 Bond Issuances
1.5023 Other Conflicts of Interest
1.5030 Revolving Door Prohibition
1.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
1.5036 Disclosures of Business in Iran
1.5037 Vendor Registration, Certification and Prohibition on Political Contributions
1.5038 Lobbying Restrictions
1.5039 Procurement Communication Reporting Requirement
1.5055 Supply Inventory
1.5060 Prohibited Bidders and Contractors
1.5065 Lead Poisoning Prevention Act Violations

SUBPART Q: CONCESSIONS

Section

1.5310 Concessions

SUBPART R: COOPERATIVE PURCHASING

Section

1.5400 General
1.5420 Governmental Joint Purchasing Act Contracts
1.5440 Non-Governmental Joint Purchasing
1.5460 No Agency Relationship
1.5510 Complaints Against Vendors (Repealed)

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1.5520 Suspension (Repealed)
- 1.5530 Resolution of Contract Controversies (Repealed)
- 1.5540 Violation of Law or Rule (Repealed)

SUBPART S: PROTESTS

- Section
- 1.5550 Protests

SUBPART T: SUSPENSION AND DEBARMENT

- Section
- 1.5560 Suspension and Debarment

SUBPART U: VIOLATION OF STATUTE OR RULE

- Section
- 1.5620 Violation of Statute or Rule

SUBPART V: HEARING PROCEDURES

- Section
- 1.5700 General
- 1.5710 Informal Process
- 1.5720 Hearing Officers
- 1.5730 Notice of Hearing
- 1.5740 Written Comments and Oral Testimony
- 1.6010 Supply Management and Dispositions (Repealed)
- 1.6500 General (Repealed)
- 1.6510 No Agency Relationship (Repealed)
- 1.6520 Obligations of Participating Governmental Units (Repealed)
- 1.6530 Centralized Contracts – Estimated Quantities (Repealed)
- 1.6535 Centralized Contracts – Definite Quantities (Repealed)

SUBPART W: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

- Section
- 1.7000 Severability
- 1.7010 Government Furnished Property

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

1.7015	Inspections
1.7020	Taxes, Licenses, Assessments and Royalties
1.7025	Written Determinations (Repealed)
1.7030	No Waiver of Sovereign Immunity

SUBPART X: SELECTION OF A SUCCESSOR ILLINOIS LOTTERY
PRIVATE MANAGER IF A PRIVATE MANAGEMENT
AGREEMENT HAS BEEN TERMINATED

Section	
1.8000	Authority
1.8005	General
1.8010	Selection Process
1.8015	Lottery Advisors
1.8020	Public Hearing
1.8025	Award
1.8030	Action to Contest Selection

AUTHORITY: The Illinois Procurement Code [30 ILCS 500] and the Illinois Lottery Law [20 ILCS 1605].

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days, and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency expired on July 15, 1999; emergency amendment at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7075, effective June 7, 1999; amended at 24 Ill. Reg. 1900, effective January 21, 2000; amended at 26 Ill. Reg. 13189, effective August 23, 2002; emergency amendment at 29 Ill. Reg. 20540, effective December 2,

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 5673, effective March 7, 2006, for the balance of the 150 days; emergency expired August 3, 2006; amended at 30 Ill. Reg. 138, effective December 22, 2005; amended at 30 Ill. Reg. 13378, effective July 25, 2006; amended at 30 Ill. Reg. 17305, effective October 20, 2006; amended at 30 Ill. Reg. 18635, effective November 17, 2006; emergency amendment at 33 Ill. Reg. 3205, effective January 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 9607, effective June 25, 2009; recodified, pursuant to PA 96-795, from Department of Central Management Services to Chief Procurement Officer for General Services at 35 Ill. Reg. 10143; amended at 36 Ill. Reg. 10729, effective August 6, 2012; amended at 36 Ill. Reg. 16319, effective November 1, 2012; emergency amendment at 37 Ill. Reg. 1319, effective January 22, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 8123, effective June 5, 2013.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 1.2020 Small Purchase Limits

a) Application

- 1) Individual procurements of ~~\$50,000~~~~\$35,000~~ or less for supplies or services, other than professional and artistic, may be made without notice or competition. These small purchase maximums shall be subject to the annual cost of living increases set forth in subsection (a)(3).
- 2) Procurements for construction and construction related services of ~~\$70,000~~~~\$40,700~~ or less, or as increased to reflect increases in the consumer price index as determined by the CPO-GS.
- 3) The CPO-GS shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending each December 31. That percentage change shall be used to recalculate the small purchase maximums applicable for the fiscal year beginning the following July 1.
- 4) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made without notice of competition.

b) Determination of Small Purchase Status

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) In determining whether a contract is under the small purchase limit, the stated value of the supplies or services plus any optional supplies and services, determined in good faith, shall be utilized. When the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12 month period.
 - 2) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)).
 - 3) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the SPO determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the SPO must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- c) The CPO-GS may establish policies and procedures to manage the use of the small purchase method of source selection. The SPO may establish additional policies and procedures applicable to State agencies under the SPO's jurisdiction.
 - d) If there is a repetitive need for small procurements of the same type, the State agency shall notify the SPO who shall consider whether issuing a competitive sealed bid or proposal for procurement of those needs is in the best interests of the State.

(Source: Amended at 37 Ill. Reg. 8123, effective June 5, 2013)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Payments to Certain Facilities under Section 14-7.05 of the School Code
- 2) Code Citation: 23 Ill. Adm. Code 405
- 3) Section Number: 405.40 Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rulemaking: June 6, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 8, 2013; 37 Ill. Reg. 1569
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms are being changed to align this set of rules to the licensure system, which will become effective July 1, 2013.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

In addition to modifications addressing the use of "certification" and related terms, one other change was made in Section 405.40(a)(2)(C) to match this Section to recent amendments to 23 Ill. Adm. Code 25 (i.e., the elimination of the short-term emergency approval on September 1, 2015).

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

David Andel, Division Administrator
Special Education Services
Illinois State Board of Education
100 North First Street, N-253
Springfield, Illinois 62777

217/782-5589

The full text of the Adopted Amendment begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER 1: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 405
PAYMENTS TO CERTAIN FACILITIES UNDER
SECTION 14-7.05 OF THE SCHOOL CODE

Section	
405.10	Purpose and Applicability
405.20	Definitions
405.30	Procedural Requirements
405.40	Satisfactory Proof
405.50	Quarterly Attendance Reports
405.60	Calculation of Costs
405.70	Termination of Placement

AUTHORITY: Implementing Section 14-7.05 of the School Code [105 ILCS 5/14-7.05] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 33 Ill. Reg. 11627, effective July 22, 2009; amended at 37 Ill. Reg. 8134, effective June 6, 2013.

Section 405.40 Satisfactory Proof

All information called for in this Section, except the quarterly attendance reports called for in Section 405.50 of this Part, shall be submitted no later than 15 days after an affected student's placement, using the method and format prescribed by the State Superintendent of Education.

- a) As satisfactory proof of *appropriate licensure certification* of teachers for the *student population* (Section 14-7.05 of the School Code) in a given program, the provider of the program shall submit:
 - 1) a description of the program, including the characteristics of the students for whom it is intended and the number of students served;
 - 2) a listing of the names and *license certificate* numbers of all *licensed certified* teachers assigned to the program, demonstrating that

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

each general education teacher who serves the affected student holds the qualifications required pursuant to Subpart G of the rules of the State Board of Education for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1) and that each individual who provides special education to the affected student holds:

- A) a professional educator license endorsed in accordance with 23 Ill. Adm. Code 25 (Educator Licensure)~~special preschool-age 21 certificate endorsed appropriate~~ for the population to be served, ~~in accordance with the certification policies of the State Board of Education that are in effect pursuant to the federal court orders of February 27 and August 15, 2001, in the matter of Corey H., et al., vs. Board of Education of the City of Chicago, et al;~~ or
 - B) a professional educator license endorsed in another teaching ~~field~~certificate that is valid for the grade range of the students served and bears an endorsement or approval for the population served, in accordance with 23 Ill. Adm. Code 25~~the certification policies identified in subsection (a)(2)(A) of this Section;~~ or
 - C) until September 1, 2015, a short-term emergency ~~approval~~certificate in special education issued in accordance with 23 Ill. Adm. Code 25.48 (Short-term Emergency Approval in Special Education)~~the certification policies identified in subsection (a)(2)(A) of this Section;~~ or
 - D) the specific qualifications comparable to those issued in Illinois in connection with the position in question, if the facility is located outside Illinois.
- b) As satisfactory proof that a program offers *an age-appropriate curriculum* (Section 14-7.05 of the School Code), the provider shall submit information demonstrating that:
- 1) the program is based upon evaluation of the participating students' current levels of academic achievement and performance and is designed to afford the students access to the general curriculum in the fundamental areas of learning identified in Section 27-1 of the School Code [105 ILCS 5/27-1]

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

at levels that will promote their attainment of the Illinois Learning Standards (see 23 Ill. Adm. Code 1, Appendix D);

- 2) academic assessments administered to affected students are the same as those administered to other individuals served in the program who are of approximately the same age;
 - 3) the age range of the pupils grouped in any class does not exceed four years (if at the elementary level) or six years (if at the secondary level); and
 - 4) the program is delivered in an age-appropriate setting.
- c) The provider shall submit a description of the method used for recording attendance on a daily basis, as well as information on enrollment in the program for which payment is being sought and information on the attendance of each affected student.
- 1) Enrollment information shall include:
 - A) the total number of individuals receiving educational services in or through the facility;
 - B) a description of how individuals are grouped (e.g., by grade level or age);
 - C) identification of the grouping or "program" in which the affected student is being served; and
 - D) the number of individuals served in each grouping described.
 - 2) Attendance information shall include:
 - A) a signed assurance indicating that the provider will keep daily attendance records with respect to the affected student and will submit those records to the State Superintendent using the format prescribed by the State Superintendent; and
 - B) a record reflecting the student's attendance during the first 10 days of service.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- d) As satisfactory proof of the provider's ability to implement a particular student's IEP, the provider shall submit:
- 1) a copy of the student's current or most recent available IEP;
 - 2) a list of all teachers and other professional service providers that also:
 - A) indicates the specific portions of the IEP that each will be responsible for fulfilling; and
 - B) identifies the certificate, license, or other credential held by each professional other than a teacher that qualifies the individual to provide the professional services in question;
 - 3) if a paraprofessional will be assigned to assist in any class attended by the student, an assurance that the assignment of the individual will conform to the requirements of 23 Ill. Adm. Code 1.630(b); and
 - 4) for any teacher or professional not directly employed by the provider, information regarding the individual's contractual status that will clarify the amount of time for which the individual is available for the program, and the number of students whom the individual is responsible for serving during that time, and the total amount of service time required with respect to those students.

(Source: Amended at 37 Ill. Reg. 8134, effective June 6, 2013)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Contested Cases and Other Formal Hearings
- 2) Code Citation: 23 Ill. Adm. Code 475
- 3) Section Number: 475.10 Adopted Action:
Amendment
- 4) Statutory Authority: 5 ILCS 100/5-10(a)(i)
- 5) Effective Date of Amendment: June 6, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 8, 2013; 37 Ill. Reg. 1575
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendment: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms are being changed to align this set of rules to the licensure system, which will become effective July 1, 2013.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

Eric Grodsky, Deputy General Counsel
Legal Department
Illinois State Board of Education
100 West Randolph, Suite CH 14-300
Chicago, Illinois 60602

312/814-2223

The full text of the Adopted Amendment begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER n: DISPUTE RESOLUTIONPART 475
CONTESTED CASES AND OTHER FORMAL HEARINGSSUBPART A: HEARINGS BEFORE THE STATE
EDUCATOR PREPARATION AND LICENSURE BOARD

Section

475.10	Authority and Applicability
475.20	Filing and Form of Documents
475.30	Requirements for Service of Documents
475.40	Notice of Opportunity for Hearing
475.50	Hearing Officer: Qualifications, Powers and Duties, and Appointment
475.60	Appearance of Parties
475.70	Pre-Hearing Conferences
475.80	Motions
475.90	Discovery
475.100	Notice of Hearing
475.110	Hearings
475.120	Orders

SUBPART B: HEARINGS FOR OTHER CONTESTED CASES

Section

475.210	Authority and Applicability
475.220	Filing and Form of Documents
475.230	Requirements for Service of Documents
475.240	Notice of Opportunity for Hearing
475.250	Hearing Officer: Qualifications, Powers and Duties, and Appointment
475.260	Appearance of Parties
475.270	Pre-Hearing Conferences
475.280	Motions
475.290	Depositions and Discovery
475.300	Notice of Hearing
475.310	Hearings

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

475.320 Orders

AUTHORITY: Implementing Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and Sections 21B-15 and 21B-75 of the School Code [105 ILCS 5/21B-15 and 21B-75] and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

SOURCE: Old Part repealed at 36 Ill. Reg. 14769, effective September 21, 2012; new Part adopted at 36 Ill. Reg. 14771, effective September 21, 2012; amended at 37 Ill. Reg. 8140, effective June 6, 2013.

SUBPART A: HEARINGS BEFORE THE STATE
EDUCATOR PREPARATION AND LICENSURE BOARD

Section 475.10 Authority and Applicability

- a) This Subpart A is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].
- b) This Subpart A shall apply to all administrative cases under the jurisdiction of the State Educator Preparation and Licensure Board (SEPLB) pursuant to Section 21B-15 or Section 21B-75 [105 ILCS 5/21B-15 or 21B-75] of the School Code, except as provided in this subsection (b) or in subsection (c) of this Section. Administrative cases pursuant to Section 21B-15 of the School Code heard under this Subpart A shall be limited to those in which an individual is alleged to have knowingly altered or misrepresented his or her teaching qualifications in order to acquire a license.
- c) Pursuant to Section 21B-15 of the School Code, the State Superintendent may recommend that any other license held by an individual alleged to have knowingly altered or misrepresented his or her teaching qualifications in order to acquire a license be suspended or revoked by the SEPLB depending on the severity of the alleged alteration or misrepresentation. Pursuant to Section 21B-75 of the School Code, the State Superintendent may recommend that a license be revoked or suspended, or that professional development be required in lieu of or in addition to revocation or suspension, for those bases set forth in Section 21B-75. For purposes of this Subpart A, "revocation" shall mean the permanent removal of a license and "suspension" shall mean the temporary removal of a license for a period of up to five calendar years.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- d) When statutes or other rules applicable to the Illinois State Board of Education (ISBE) or the SEPLB contain practices different from those set forth in this Subpart A, then those separate statutes and rules shall apply. Examples include, but are not limited to, proceedings related to the renewal of licenses under Section 21-14 of the School Code [105 ILCS 5/21-14(h)(2)] and pursuant to 23 Ill. Adm. Code 25 (~~Educator Licensure~~Certification).
- e) For the purposes of this Subpart A, all references to "license" shall be understood to mean a certificate issued under Article 21 of the School Code [105 ILCS 5/Art. 21], a license (i.e., professional educator license, educator license with stipulations, or substitute teaching license) issued under Article 21B of the School Code [105 ILCS 5/Art. 21B], or ~~any~~paraprofessional approval issued by ~~the~~ ISBE in accordance with 23 Ill. Adm. Code ~~2525.510 (Paraprofessionals; Teacher Aides)~~.

(Source: Amended at 37 Ill. Reg. 8140, effective June 6, 2013)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Class Size Reduction Grants
- 2) Code Citation: 23 Ill. Adm. Code 565
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
565.50	Amendment
565.150	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.136
- 5) Effective Date of Rulemaking: June 6, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: February 8, 2013; 37 Ill. Reg. 1580
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemakings: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms are being changed to align this set of rules to the licensure system, which will become effective July 1, 2013.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Dora Welker, Division Administrator
Division of College and Career Readiness
Illinois State Board of Education
100 North First Street, C-215
Springfield, Illinois 62777

217/782-4832

The full text of the Adopted Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 6: MISCELLANEOUS

PART 565

CLASS SIZE REDUCTION GRANTS

SUBPART A: K-3 CLASS SIZE REDUCTION GRANTS

Section

565.10	Purpose and Applicability
565.20	Eligible Applicants
565.30	Program Specifications
565.40	Application Procedure
565.50	Criteria for the Review of Initial Applications Proposals
565.60	Allocation of Funds

SUBPART B: K-3 CLASS SIZE REDUCTION PILOT PROGRAM

Section

565.110	Purpose and Applicability
565.120	Eligible Applicants
565.130	Program Specifications
565.140	Application Procedure
565.150	Criteria for the Review of Initial Applications Proposals
565.160	Allocation of Funds

AUTHORITY: Implementing and authorized by Section 2-3.136 of the School Code [105 ILCS 5/2-3.136].

SOURCE: Adopted at 30 Ill. Reg. 16365, effective September 26, 2006; amended at 37 Ill. Reg. 8145, effective June 6, 2013.

SUBPART A: K-3 CLASS SIZE REDUCTION GRANTS

Section 565.50 Criteria for the Review of Initial Applications

a) Applications for initial funding shall be evaluated in accordance with the following criteria:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a)1) The proposal demonstrates that the average class size within the chosen grades exceeds 20 pupils and presents data related to student enrollment, achievement, and progress and an analysis of those data that justifies the approach selected and the choice of grade levels to be served. (70 points)
- b)2) The proposal demonstrates either that the available facilities in the schools to be served can accommodate the number of additional classrooms for which teachers will be employed or that space for new classes is not available, as applicable. The number of ~~licensed~~certified teachers or paraprofessionals to be employed with grant funds is reasonable in relation to the number of students affected in the grades to be served. (15 points)
- c)3) The proposal demonstrates that the equipment, supplies, instructional materials, or other resources requested are necessary for the support of the additional classrooms planned or the activities of the paraprofessionals to be assigned, and the grant request reflects a reasonable local contribution toward outfitting of any new classrooms. (15 points)

(Source: Amended at 37 Ill. Reg. 8145, effective June 6, 2013)

SUBPART B: K-3 CLASS SIZE REDUCTION PILOT PROGRAM

Section 565.150 Criteria for the Review of Initial Applications

a) Applications for initial funding shall be evaluated in accordance with the following criteria:

- a)1) Rationale and Cost-Effectiveness (50 points)
- 1)A) The proposal demonstrates that the available facilities in the schools to be served can accommodate the number of additional classrooms for which teachers will be employed.
- 2)B) The number of ~~licensed~~certified teachers to be employed with grant funds is reasonable in relation to the number of students affected in the grades to be served, and the applicant has chosen one or more grades with the greatest need for class size reduction.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~3)C)~~ The proposal demonstrates that the equipment, supplies, instructional materials, or other resources requested are necessary for the support of the additional classrooms planned, and the grant request reflects a reasonable local contribution toward outfitting of any new classrooms.

~~b)2)~~ Evaluation Plan (30 points)
The applicant proposes to collect and report information on the performance of the students in the classrooms served that will add to an understanding of the effects of class sizes of 15 or lower when compared to class sizes between 15 and 20 and when compared to class sizes above 20.

~~c)3)~~ Need (20 points)

~~1)A)~~ The proposal demonstrates that the average class size within the chosen grades exceeds 15 pupils and that students' performance may be improved through a reduction in class size.

~~2)B)~~ The proposal demonstrates that other sources of funding are limited to such an extent that the applicant is unable to employ additional [licensedeertified](#) staff in the chosen grades.

(Source: Amended at 37 Ill. Reg. 8145, effective June 6, 2013)

DEPARTMENT OF REVENUE

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Action:</u>
130.410	Withdraw
130.415	Withdraw
- 4) Date Notice of Proposed Rules Published in the Register: 5/25/12
36 Ill. Reg. 7971
- 5) Date JCAR Statement of Objection Published in the Register: 5/31/13
37 Ill. Reg. 7685
- 6) Summary of Action Taken by the Agency: In light of the Objection by the Joint Committee On Administrative Rules, the Department of Revenue determined it preferable to withdraw the rulemaking.

DEPARTMENT OF REVENUE

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 140
- 3) Section Number: Action:
140.301 Withdraw
- 4) Date Notice of Proposed Rules Published in the Register: 5/25/12
36 Ill. Reg. 7990
- 5) Date JCAR Statement of Objection Published in the Register: 5/31/13
37 Ill. Reg. 7686
- 6) Summary of Action Taken by the Agency: In light of the Objection by the Joint Committee On Administrative Rules, the Department of Revenue determined it preferable to withdraw the rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 4, 2013 through June 10, 2013. The rulemakings are scheduled for review at the Committee's July 9, 2013 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/19/13	<u>Secretary of State</u> , Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	4/19/13 37 Ill. Reg. 5133	7/9/13
7/20/13	<u>Illinois Emergency Management Agency</u> , Medical Use of Radioactive Material (32 Ill. Adm. Code 335)	3/15/13 37 Ill. Reg. 2775	7/9/13
7/20/13	<u>Illinois Emergency Management Agency</u> , Accrediting Persons in the Practice of Medical Radiation Technology (32 Ill. Adm. Code 401)	3/15/13 37 Ill. Reg. 2783	7/9/13
7/20/13	<u>Illinois Emergency Management Agency</u> , Standards for Selection of Contractors (32 Ill. Adm. Code 605)	3/15/13 37 Ill. Reg. 2807	7/9/13
7/20/13	<u>Illinois Emergency Management Agency</u> , Individual and Family Grant Program (Repealer) (29 Ill. Adm. Code 410)	3/15/13 37 Ill. Reg. 2757	7/9/13
7/20/13	<u>Illinois Emergency Management Agency</u> , Public Disaster Assistance Program (Repealer) (29 Ill. Adm. Code 420)	3/15/13 37 Ill. Reg. 2766	7/9/13
7/20/13	<u>Department of Financial and Professional Regulation</u> , Massage Licensing Act (68 Ill. Adm. Code 1284)	4/12/13 37 Ill. Reg. 4413	7/9/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/21/13	<u>Secretary of State</u> , Uniform Partnership Act (1997) (14 Ill. Adm. Code 166)	4/5/13 37 Ill. Reg. 4203	7/9/13
7/21/13	<u>Secretary of State</u> , Uniform Limited Partnership Act (2001) (14 Ill. Adm. Code 171)	4/5/13 37 Ill. Reg. 4208	7/9/13

PROCLAMATIONS

2013-210**Special Session Proclamation**

WHEREAS, on January 10, 2011, I took the Constitutional oath of office to become Governor of the State of Illinois, solemnly swearing to uphold both the Illinois Constitution and the Constitution of the United States, and promising to "faithfully discharge the duties of the office of Governor to the best of my abilities"; and

WHEREAS, I am committed to fulfilling my oath of office to serve the people of the State of Illinois by restoring fiscal stability to the State; and

WHEREAS, the State continues to face an unprecedented pension crisis that, unchecked, hurts our economic recovery, downgrades the State's credit rating, and threatens the continued delivery of vital services including education, public safety and healthcare; and

WHEREAS, the current unfunded pension liability of more than \$100 billion is unsustainable and costs taxpayers \$17 million dollars every day it goes unresolved; and

WHEREAS, the State's fiscal year 2014 budget is \$35.3 billion, approximately 17 percent of which will go toward pensions alone; and

WHEREAS, I will continue to work with the leaders of all four legislative caucuses and legislators until they put a comprehensive pension reform bill on my desk; and

WHEREAS, the taxpayers of Illinois are waiting and there is no excuse for further delay; and

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the Governor, as Chief Executive, to convene a special session of the General Assembly;

THEREFORE, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, I, Governor Pat Quinn, hereby call and convene the 98th General Assembly in a special session to commence on June 19, 2013, at 1:00 p.m., for the purpose of considering any legislation, new or pending, which addresses pension reform.

Dated: June 6, 2013

Filed: June 6, 2013

2013-211**Amateur Radio Week**

PROCLAMATIONS

WHEREAS, Amateur Radio has historically played a significant role in developing world wide radio communications; and,

WHEREAS, Amateur Radio has continued to provide a bridge between peoples, societies and countries by creating friendships and facilitating the sharing of ideas; and,

WHEREAS, the State of Illinois has more than 20,000 Radio Amateurs who have repeatedly donated their time, equipment and services to help their communities; and,

WHEREAS, the State of Illinois recognizes the services Amateur Radio operators provide to our many Emergency Response organizations; and,

WHEREAS, Illinois Radio Amateurs are on alert for severe weather including tornadoes, floods, and other manmade disasters; and,

WHEREAS, Illinois Radio Amateurs have also generously donated their time and equipment to provide communications support to local service clubs and organizations at no charge; and,

WHEREAS, Radio Amateurs offer free technical training to all interested citizens; and,

WHEREAS, Illinois Radio Amateurs will continue to hone their communications skills by operating during the twenty-four simulated emergency preparedness exercise known as 'Field Day' on June 22-23, 2013; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 16-23, 2013 as **AMATEUR RADIO WEEK** in Illinois, in recognition of the contributions that Amateur Radio operators make in the Land of Lincoln.

Issued by the Governor May 21, 2013

Filed by the Secretary of State June 7, 2013

2013-212**General Aviation Appreciation Month**

WHEREAS, general aviation and community airports play a critical role in the lives of our citizens, as well as in the operation of our businesses and farms; and,

WHEREAS, the State of Illinois has a significant interest in the continued vitality of general aviation, aerospace, aircraft manufacturing, educational institutions and aviation organizations and community airports and airport operators; and,

PROCLAMATIONS

WHEREAS, there are 116 publicly used airports in Illinois, supporting 12,683 pilots and 4,611 registered general aviation aircraft in Illinois; and,

WHEREAS, according to a 2012 Illinois Statewide Aviation Economic Impact Study, general aviation contributes over \$4.4 billion to Illinois' economy and supports 54,887 jobs at general aviation airports statewide; and,

WHEREAS, general aviation plays a vital role in the state's response to emergencies and natural disasters; and,

WHEREAS, Illinois is home to 65 charter flight companies, 98 repair stations, and 13 flight schools. In addition, there are 89 fixed-based operators in the state; and,

WHEREAS, organizations like the Illinois Pilots Association, the Alliance for Aviation Across America, National Business Aviation Association, National Association of State Aviation Officials, Aircraft Owners and Pilots Association, and the National Air Transportation Association recognize and promote the interests and importance of aviation in Illinois and throughout the world; and,

WHEREAS, many communities in Illinois depend heavily on general aviation and community airports for the continued flow of commerce, tourists and visitors to our State:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2013 as **GENERAL AVIATION APPRECIATION MONTH** in Illinois, in recognition of general aviation as a vital strategic resource to our state.

Issued by the Governor May 21, 2013

Filed by the Secretary of State June 7, 2013

2013-213**Quebec National Day**

WHEREAS, the links between Illinois and Quebec are numerous, and can be traced back centuries to the French-speaking missionaries and voyagers who left Quebec City and Montreal to explore the land of Illinois and eventually settle here; and,

WHEREAS, in 1969, Quebec established its delegation in the City of Chicago because of the business and cultural preeminence of the city; and,

WHEREAS, Quebec is active, along with Illinois, in both the Council of Great Lakes Governors and the Great Lakes Commission as an associate member; and,

PROCLAMATIONS

WHEREAS, today, trade between Illinois and Quebec exceeds \$3 billion U.S. dollars; and,

WHEREAS, the staff of the Quebec Delegation in Chicago have established commercial links between Illinois and Quebec companies and have brought Quebec performing artists, intellectuals, and writers to the theatres and universities of this state; and,

WHEREAS, the Quebec Delegation in Chicago seeks to broaden the economic, cultural, educational and tourism links between Quebec and the Midwest; and,

WHEREAS, every year on the 24th of June, Saint John the Baptist's Day, the people of Quebec celebrate their history and values with Québec's national holiday Saint-Jean-Baptiste Day; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 24, 2013 as **QUEBEC NATIONAL DAY** in Illinois, in recognition of the numerous connections that unite Illinois and Quebec, and encourage all citizens to join in this vibrant and spirited commemoration.

Issued by the Governor May 21, 2013

Filed by the Secretary of State June 7, 2013

2013-214
Peace Days

WHEREAS, Peace Day has been celebrated annually in Chicago, Illinois since September 7, 1978 through the observance of One Minute of Silence for World Peace; and,

WHEREAS, in 1981, the United Nations proposed a resolution declaring one day every year as an International Day of Peace. This Day is observed to promote global cease-fire and non-violence from every country across the globe; and,

WHEREAS, Peace Day is used as a means of spreading the message of world peace and its vital importance to the future of the human race; and,

WHEREAS, the goal of Peace Day is to contribute to the peace-making process through positive peace-building activities, and to allow all individuals to harness their abilities and actively participate in creating a more peaceful world; and,

WHEREAS, the Peace School, an Illinois not-for-profit organization, has sponsored Peace Day since its inception and has been awarded the United Nations Peace Messenger designation for its significant contributions to peace; and,

PROCLAMATIONS

WHEREAS, September 18 has been designated by the United Nations for student Peace Day activities; and,

WHEREAS, in 2001, a resolution was passed by the United Nations declaring September 21 of every year as International Day of Peace as a way of rededicating the United Nations to its goals of strengthening the ideals of peace and alleviating the tensions and causes of conflict; and,

WHEREAS, these events encourage all individuals to take a minute for peace every day as a positive step toward making every day Peace Day:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 7 - 21, 2013 as **PEACE DAYS** in Illinois, in recognition of this effort to build a more peaceful state, a more peaceful county, and a more peaceful world.

Issued by the Governor May 23, 2013

Filed by the Secretary of State June 7, 2013

2013-215**Americans With Disabilities Act Day**

WHEREAS, the Americans with Disabilities Act (ADA), passed by Congress in 1990, established a clear and comprehensive prohibition of discrimination on the basis of disability, with disability defined as a physical or mental impairment that substantially limits one or more of the major life activities of an individual; and,

WHEREAS, the passage of the ADA represents a major step toward protecting civil rights and improving the quality of life for persons with disabilities, persons who were often subject to discrimination and lacked federal protection; and,

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, thereby increasing participation in community life; and,

WHEREAS, the Americans with Disabilities Act Amendments Act of 2008 emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis; and,

WHEREAS, the year 2013 marks the 23rd anniversary of the ADA's civil rights guarantee for individuals with disabilities; and,

PROCLAMATIONS

WHEREAS, Illinois has a long history of protecting the rights of disabled persons, going back 34 years to the passage of the Illinois Human Rights Act (December 6, 1979), which made discrimination against any person with a physical or mental disability illegal; and,

WHEREAS, in the United States, 19 percent of the non-institutionalized civilian population aged five and older have some level of disability, representing 54 million people in the nation, with nearly 1.3 million of those citizens residing in Illinois, comprising 10.3 percent of the state's population; and,

WHEREAS, the State of Illinois and its agencies are committed to continuing efforts to implement the ADA and ensure that people with disabilities are able to fully participate in employment, transportation, education, communication, and community opportunities; and,

WHEREAS, the State of Illinois passed House Bill 2591, the Employment First Act, which was proposed in the Governor's 2013 State of the State Address, making Illinois a state where every person has the opportunity to reach his or her full potential; and,

WHEREAS, during the month of July, the Illinois Department of Human Services, in cooperation with a coalition of other state agencies, councils, and consumers, will celebrate the anniversary of the ADA with special events in Springfield and Chicago:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 16, 2013 as **AMERICANS WITH DISABILITIES ACT DAY** in Illinois, and encourage all citizens to reaffirm the principles of equality and inclusion, recognize the historical significance of the ADA, and in turn, do their part to ensure that people with disabilities are included in the mainstream community life.

Issued by the Governor May 24, 2013

Filed by the Secretary of State June 7, 2013

2013-216
Memorial Day

WHEREAS, Memorial Day is a national holiday observed for the purpose of cherishing and solemnly celebrating the memories of those who sacrificed their lives on the battlefield in service to our country; and,

WHEREAS, Memorial Day was first observed in 1868 upon the order of Illinois' own John A. Logan, national commander of the Grand Army of the Republic, who called on every American to raise the flag in honor of those lost and to "renew our pledges to aid and assist those whom

PROCLAMATIONS

they have left among us as sacred charges upon the Nation's gratitude, the soldier's and sailor's widow and orphan"; and,

WHEREAS, Memorial Day today continues to serve as a reminder to every American that our freedom was bought and is preserved at a great cost, and that each of us owes a boundless debt of gratitude to those valorous men and women who have given their lives to defend our country on the battlefields, on the seas and in the skies around the world; and,

WHEREAS, Memorial Day 2013 offers everyone in the Land of Lincoln an opportunity to honor those brave men and women who have served, and continued to serve, as members of the United States Armed Forces; and,

WHEREAS, Memorial Day 2013 reminds us that we can acknowledge our debt to those who serve by paying our respects at the final resting places of those who fell in battle, and by supporting our men and women in uniform through the Illinois Military Family Relief Fund or other organizations dedicated to helping veterans and service members; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 27, 2013, as **MEMORIAL DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise to noon on this day, and ask everyone in Illinois to honor the enduring legacy of our national heroes who gave their lives in defense of our nation and the undying American principles of justice, freedom, and democracy.

Issued by the Governor May 24, 2013

Filed by the Secretary of State June 7, 2013

2013-217**Illinois Women's Suffrage Centennial Day**

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and,

WHEREAS, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force and by providing the majority of the volunteer labor force of the Nation; and,

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and,

PROCLAMATIONS

WHEREAS, one such woman was Grace Wilbur Trout, former head of both the Illinois and the Chicago Political Equality League; and,

WHEREAS, under Trout's leadership, on June 11, 1913, a bill providing suffrage for women was passed and was signed into law fifteen days later by Governor Edward Dunne on June 26, 1913; and,

WHEREAS, this year marks the centennial of women winning the right to vote in Illinois; and

WHEREAS, Illinois women won the right to vote six years in advance of adoption of the Nineteenth Amendment to the United States Constitution; and

WHEREAS, Illinois was the first state east of the Mississippi River to give women this right; and

WHEREAS, Illinois women were also influential in the national suffrage movement; and,

WHEREAS, today, the League of Women Voters of Illinois is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues and influences public policy through education and advocacy; and,

WHEREAS, the League of Women Voters of Evanston, in partnership with the City of Evanston; the Evanston Women's History Project at the Evanston History Center; the Frances Willard Historical Association; the Woman's Club of Evanston, and the YWCA North Shore will host a celebration of the 100th anniversary of the Suffrage Rally on June 14, 2013; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 11, 2013 as **ILLINOIS WOMEN'S SUFFRAGE CENTENNIAL DAY** and encourage all residents of the Land of Lincoln to join in celebrating the proud history of woman's suffrage, activism and leadership in our state.

Issued by the Governor May 30, 2013

Filed by the Secretary of State June 7, 2013

2013-218

Major General Dennis Celletti Day

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

PROCLAMATIONS

WHEREAS, as Americans, we must pledge to never forget the outstanding strength, service and sacrifices of those who have fought to defend democracy, human dignity and the right to self determination; and,

WHEREAS, the National Guard has a long and proud tradition of support to our nation dating back 290 years to its beginnings as a colonial militia during the founding of America; and,

WHEREAS, for the past 41 years, Illinois National Guard Major General Dennis L. Celletti has served the residents of Illinois with his honorable and dedicated military service and has truly exemplified steadfast devotion to the most cherished of American ideals, service with honor; and,

WHEREAS, Major General Dennis L. Celletti has led Soldiers at every leadership level within the Illinois Army National Guard, leaving a legacy of highly trained, confident and adaptable leaders to carry the Illinois National Guard forward; and,

WHEREAS, Major General Dennis L. Celletti directed the Army Illinois National Guard's transition from a strategic reserve to a fully operational force, deploying more than 22,000 Soldiers to support Operations Noble Eagle, Enduring Freedom, Iraqi Freedom, New Horizon, and Operation New Dawn; and,

WHEREAS, Major General Dennis L. Celletti also lead the Illinois Army National Guard's assistance to the State of Illinois and other states during hurricanes, floods, winter storms and other state activations; and,

WHEREAS, Major General Dennis L. Celletti made the care of Soldiers and their families, especially Wounded Warriors and Gold Star Families, his top priority; and,

WHEREAS, Major General Dennis L. Celletti will retire in 2013 after a lifetime commitment to public service; and,

WHEREAS, the work that Major General Dennis L. Celletti has done will undoubtedly create a lasting impact and the mark that he leaves behind will serve as a foundation for the future; and,

WHEREAS, most importantly, in all that Major General Dennis L. Celletti has done his work ethic has exemplified the dedication to service the citizens of this state deserve and expect and he has have represented the State of Illinois admirably; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 1, 2013 as **MAJOR GENERAL DENNIS CELLETTI DAY** in Illinois in grateful recognition upon his retirement from the Illinois Army National Guard.

PROCLAMATIONS

Issued by the Governor May 31, 2013
Filed by the Secretary of State June 7, 2013

2013-219

National Military Appreciation Month

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

WHEREAS, the freedom and security that citizens of the United States enjoy today are a direct result of the service and sacrifice given by members of the United States Armed Forces throughout the history of our great nation; and,

WHEREAS, the sacrifices made by the members of the United States Armed Forces and of the families who support them have preserved the liberties that enrich our nation, but are all too often taken for granted; and

WHEREAS, countless Illinois residents have been directly affected by the military service of at least one member of their family; and,

WHEREAS, it is our duty as citizens to pay tribute to service members and their family for their commitment to this nation and their struggles – because when one serves in the military, their families are heroes too; and,

WHEREAS, in 2004, the United States Congress passed a resolution proclaiming the month of May as National Military Appreciation Month, calling on all Americans to remember those who gave their lives in defense of freedom, and to honor the men and women of all of our Armed Services, who have served and are currently serving our country, together with their families; and

WHEREAS, the month of May was chosen for this patriotic observation because during this month we celebrate Victory in Europe (VE) Day, Military Spouse Day, Loyalty Day, Armed Forces Day and Week, and Memorial Day:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2013 as **NATIONAL MILITARY APPRECIATION MONTH** in Illinois, and urge all citizens to show their appreciation for the brave men and women of our nation's Armed Forces.

Issued by the Governor May 31, 2013
Filed by the Secretary of State June 7, 2013

PROCLAMATIONS

2013-220**National Physical Therapy Month**

WHEREAS, millions of Americans throughout the country, including from the State of Illinois, are able to live active lives and participate in regular exercise with more mobility and less pain thanks to the care of physical therapists; and,

WHEREAS, physical therapists treat a multitude of conditions, including ankle, back, knee, neck, and shoulder pain and injuries. They also provide rehabilitation services for those recovering from a variety of surgeries; and,

WHEREAS, there are many different techniques utilized by physical therapists, such as gait training, joint and soft tissue mobilization, and therapeutic exercise; and,

WHEREAS, while the immediate objective of treatment is to maximize function and reduce pain, the ultimate goal of physical therapy is to teach patients how to take care of themselves; and,

WHEREAS, every October, physical therapists across Illinois take the time to celebrate their accomplishments and to educate the public about their profession; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2013 as **NATIONAL PHYSICAL THERAPY MONTH** in Illinois to raise awareness about physical therapy, and to promote physical therapists as a vital part of the health and well-being of our citizens.

Issued by the Governor May 31, 2013

Filed by the Secretary of State June 7, 2013

2013-221**Cryoglobulinemia Awareness Month and Day**

WHEREAS, Cryoglobulinemia is the presence of abnormal proteins in the blood; and,

WHEREAS, Cryoglobulinemia is an uncommon, chronic, autoimmune illness that patients and parents bear a large burden of raising awareness for; and,

WHEREAS, the early, accurate diagnosis of Cryoglobulinemia is very important for successful disease treatment and saving one's life and limbs; and,

PROCLAMATIONS

WHEREAS, Cryoglobulinemia drastically affects the lives of its victims each year causing visible and invisible damage, amputations and inflammation of the organs and blood vessels throughout the body; and,

WHEREAS, there is no known cure for this debilitating disease yet some cases are associated with Hepatitis C, thus awareness about and prevention of Hepatitis C may reduce the risk of Cryoglobulinemia; and,

WHEREAS, the fact that there is not an effective cure existing for Cryoglobulinemia makes increasing awareness of this disease critically important; and,

WHEREAS, raising awareness in the general public and medical community will highlight the further need for better treatments and research into the cause and cure of Cryoglobulinemia and its related diseases; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2013 as **CRYOGLOBULINEMIA AWARENESS MONTH** and September 23, 2013 as **CRYOGLOBULINEMIA AWARENESS DAY** in Illinois, in support of increasing awareness of this disease.

Issued by the Governor June 3, 2013

Filed by the Secretary of State June 7, 2013

2013-222**Lakes Appreciation Month**

WHEREAS, the State of Illinois is fortunate to have more than 3,041 lakes and more than 87,000 ponds within its boundaries; and,

WHEREAS, lakes and ponds are important resources to the State of Illinois' way of life and its environment, providing sources of recreation, scenic beauty and habitat for wildlife; and,

WHEREAS, Illinois lakes are valuable economic resources for Illinois businesses, tourism and municipal governments; and,

WHEREAS, thousands of citizen volunteers have demonstrated their interest in Illinois lakes by actively monitoring lake quality for more than 30 years through the Volunteer Lake Monitoring Program; and,

WHEREAS, the State of Illinois recognizes the need to protect these lakes and ponds for future generations; and,

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 2013 as **LAKES APPRECIATION MONTH** in Illinois, in recognition of the importance of these vital resources.

Issued by the Governor June 3, 2013

Filed by the Secretary of State June 7, 2013

2013-223**Breastfeeding Month**

WHEREAS, breastfeeding remains the most natural way of feeding infants and serves as part of a foundation for life-long health and wellness; and,

WHEREAS, exclusive breastfeeding, recommended and supported by the American Academy of Pediatrics, provides benefits that are not received by partially breastfed infants; and,

WHEREAS, infants receiving human milk are protected against serious long term health conditions including obesity, respiratory and ear infections, asthmas, allergies, diarrhea, childhood cancer, Sudden Infant Death Syndrome, and less than optimal brain development; and,

WHEREAS, breastfeeding promotes strong family bonds while providing economical and societal benefits through lowered health care costs; and,

WHEREAS, establishing donor human milk banks ensures all infants have access to breast milk; and,

WHEREAS, a united effort is needed from business, communities, governmental leaders and health care providers to support breastfeeding; and,

WHEREAS, businesses can ensure that working mothers have an appropriate place and reasonable break time to express their milk, and communities can support existing laws that protect a mother's right to breastfeed her child in any public location; and,

WHEREAS, in an effort to support breastfeeding, government leaders provide guidance on implementing the Illinois Blueprint to Breastfeeding, hospitals pursue baby friendly designation, and health care providers support the ten steps to successful breastfeeding, all of whom are responsible for supporting the International Code of Marketing of Breast-Milk Substitutes; and,

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 2013 as **BREASTFEEDING MONTH** in Illinois, and encourage promotion of a breastfeeding friendly culture throughout the State.

Issued by the Governor June 4, 2013

Filed by the Secretary of State June 7, 2013

2013-224**Merri Dee Day**

WHEREAS, in a time when the essence of fear consumes the thoughts and actions of many, it is imperative and uplifting to hear voices that support hope and optimism; and,

WHEREAS, one such voice is Merri Dee, a respected Chicago icon who served as the voice of WGN-TV for over 30 years, acting as liaison between the station and Chicago's diverse communities through her roles both as anchor and director of community relations; and,

WHEREAS, known throughout the region for her extensive charitable work and commitment to social service, Merri Dee has been a strong advocate for victim's rights, education, children's welfare and adoption, violence prevention, and women's advocacy; and,

WHEREAS, Merri Dee has overcome many challenges throughout her lifetime including an abusive childhood and a kidnapping incident in which she was seriously injured; and,

WHEREAS, rather than allow herself to be consumed with fear or hatred, Merri Dee used her experiences as a platform to help others, and created a life dedicated to advocacy for the care, education and treatment of crime victims, troubled children, youth and their families, and the aging; and,

WHEREAS, Merri Dee led WGN-TV Children's Charities, a fund of the McCormick Tribune Foundation, whose mission is to improve and enrich the lives of Chicagoland children and their families; and,

WHEREAS, Merri Dee has hosted over 20 consecutive National "Evening of Stars," to benefit student scholarships at UNCF Colleges and Universities, raising over \$220 million; and,

WHEREAS, Merri Dee has also served various charities and organizations throughout Illinois, including leadership roles in Ronald McDonald House Charities, Junior Achievement Worldwide, Associated Colleges of Illinois, National College Summit, and President of the Leadership Council of Illinois Chapter of the AARP. She was also appointed to serve on Illinois' Commission on Volunteerism and Community Service and Human Rights Commission; and,

PROCLAMATIONS

WHEREAS, Merri Dee's pioneering work to raise awareness of issues that affect our state's vulnerable communities has made a direct positive impact in the lives of countless residents of the Land of Lincoln; and,

WHEREAS, on June 5, 2013, Merri Dee will be honored in Chicago during a reception for the launch of her Memoir, "Merri Dee, Life Lessons on Faith, Forgiveness and Grace"; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 5, 2013 as **MERRI DEE DAY** in Illinois and do hereby recognize and commend **Merri Dee** for her life-long commitment to improving the lives of our state's residents.

Issued by the Governor June 4, 2013

Filed by the Secretary of State June 7, 2013

2013-225**CDKL5 Awareness Day**

WHEREAS, CDKL5 stands for cyclin-dependent kinase-like 5, and is located on the X chromosome; and,

WHEREAS, CDKL5 is a rare X-linked genetic disorder that results in early onset, difficult to control seizures, and severe neuro-developmental impairment; and,

WHEREAS, most children affected by CDKL5 suffer from seizures that begin in the first few months of life and are often unable to walk, talk, or feed themselves; and,

WHEREAS, CDKL5 mutations have been found in children diagnosed with Infantile Spasms, West Syndrome, Lennox-Gastaut, Rett Syndrome, cerebral palsy, and autism; and,

WHEREAS, though the incidence of CDKL5 mutations are unknown, there have been more than 600 documented cases worldwide, and that number is growing rapidly; and,

WHEREAS, due to scientists and doctors not knowing what causes CDKL5, it is critically important to increase awareness of this disorder; and,

WHEREAS, raising awareness in the general public and medical community will highlight the further need for better treatments and research into the cause and cure of CDKL5; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 17, 2013 as **CDKL5 AWARENESS DAY** in Illinois, in support of increasing awareness of this disorder.

PROCLAMATIONS

Issued by the Governor June 5, 2013

Filed by the Secretary of State June 7, 2013

2013-226**CPR and AED Awareness Week**

WHEREAS, heart disease affects men, women, and children of every age and race in the United States and it continues to be the leading cause of death in the United States; and,

WHEREAS, approximately 295,000 emergency medical services treated out-of-hospital that are cardiac arrests occur annually nationwide. Roughly 88 percent of sudden cardiac arrest victims die before arriving at the hospital. Sudden cardiac arrest results from an abnormal heart rhythm in most adults, often ventricular fibrillation. Unfortunately, only 32 percent of out-of-hospital cardiac arrest victims receive bystander cardiopulmonary resuscitation (CPR); and,

WHEREAS, prompt delivery of CPR more than doubles the victim's chance of survival by helping to maintain vital blood flow to the heart and brain, increasing the amount of time in which an electric shock from a defibrillator can be effective; and,

WHEREAS, an automated external defibrillator (AED), even when used by a bystander, is safe, easy to operate, and, if used immediately after the onset of sudden cardiac arrest, highly effective in terminating ventricular fibrillation so the heart can resume a normal, effective rhythm; and,

WHEREAS, for every minute without bystander CPR, survival from witnessed cardiac arrest decreases 7-10 percent. The interval between the 911 telephone call and the arrival of Emergency Medical Services personnel is usually longer than five minutes, therefore a cardiac arrest victim's survival is likely to depend on a public trained in CPR and AED use and access to these lifesaving devices; and,

WHEREAS, the American Red Cross is preparing a public awareness and training campaign on CPR and AED use to be held during the first week of June; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 1-7, 2013 as **CPR AND AED AWARENESS WEEK** in Illinois, in recognition of the good work of the Chicago Medical Society, American Red Cross, American Heart Association and the National Safety Council, and encourage all Americans to become properly trained in CPR and AED usage.

PROCLAMATIONS

Issued by the Governor June 5, 2013

Filed by the Secretary of State June 7, 2013

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 37, Issue 25 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

44 - 6	.....	8051
83 - 302	.....	8076
68 - 1255	.....	8089
68 - 1275	.....	8103
14 - 180	.....	8119

ADOPTED RULES

44 - 1	6/5/2013	8123
23 - 405	6/6/2013	8134
23 - 475	6/6/2013	8140
23 - 565	6/6/2013	8145

**AGENCY WITHDRAWAL IN RESPONSE
TO A STATEMENT OF OBJECTION**

86 - 130	.....	8150
86 - 140	.....	8151

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

13 - 210	6/6/2013	8154
13 - 211	5/21/2013	8154
13 - 212	5/21/2013	8155
13 - 213	5/21/2013	8156
13 - 214	5/23/2013	8157
13 - 215	5/24/2013	8158
13 - 216	5/24/2013	8159
13 - 217	5/30/2013	8160
13 - 218	5/31/2013	8161
13 - 219	5/31/2013	8163
13 - 220	5/31/2013	8164
13 - 221	6/3/2013	8164
13 - 222	6/3/2013	8165
13 - 223	6/4/2013	8166
13 - 224	6/4/2013	8167
13 - 225	6/5/2013	8168
13 - 226	6/5/2013	8169

ORDER FORM

<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2009 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 2003 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com